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THE
PRINCIPLES OF THE JESUITS,
&c.

THE
PRINCIPLES OF THE JESUITS

DEVELOPED IN A

Series of Extracts from their own Authors,

WITH SOME

ILLUSTRATIONS OF ROMANISM,

SELECTED FROM

THE REPORT OF THE MAYNOOTH COMMISSION IN 1855.

BY THE

REV. CHALLIS PAROISSIEN, M.A.,

RECTOR OF HARDINGHAM,

AND FORMERLY FELLOW OF CLARE COLLEGE, CAMBRIDGE.

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PREFACE.

AN attempt to direct attention to the danger which threatens the State from the tolerance of the Jesuits within it is seldom successful. Their very presence in this country is generally questioned or denied; while their subtilty and mischief are derided as imaginary fictions. We are sometimes, indeed, aroused from our dormant condition by an announcement which proclaims the flight of an apostate to Rome. But we soon subside into our wonted apathy; and the seceder moves from us in his eccentric course, regretted or forgotten as one who has been long dead.

When the Jesuits were suppressed in France, they were condemned upon the testimony of their own Authors. A decree of the Parliament ordained the compilation of a volume which was entitled, *Extraits des Assertions des soi-disans Jesuites*. It consisted

entirely of passages selected from the works of the approved writers of the Society. The following is a copy of the decree.

A R R Ê T

DU PARLEMENT DU 5 MARS 1762.

La Cour a ordonné que les Passages extraits des Livres de 147 Auteurs Jesuites étant vérifiées, une copie collationnée en sera présentée au Roy, pour le mettre en état de connoître la perversité de la Doctrine soutenue constamment par les soi-disans Jésuites depuis la naissance de la Société jusqu'au moment actuel, avec l'Approbation des Théologiens, la permission des Supérieurs et Généraux et l'éloge d'autres membres de la dite Société : Doctrine autorisant le Vol, le Mensonge, le Parjure, l'Impureté, toutes les Passions et tous les Crimes, enseignant l'Homicide, le Parricide et le Regicide, renversant la Religion pour y substituer des Superstitions, en favorisant la Magie, le Blasphème, l'Irreligion et l'Idolatrie : Et sera le dit Seigneur Roy très-humblement supplié de considérer ce qui résulte d'un enseignement aussi pernicieux combiné avec le choix et l'uniformité des Opinions dans ladite Société.

Fait en Parl. le 5 Mars 1762.

The present volume contains but a small portion of the Extracts referred to in the above Arrêt, given in an English translation. When the work was produced by the Commissioners of the Parliament of France, the Jesuits attempted to cast discredit upon it. They put forth a counter-statement in a book entitled *Réponse aux Assertions*, in which they represented the collected extracts as a series of absurd fabrications. In order to ascertain the validity of this impeachment and to expose its falsehood, the Libraries of the two Universities, of the British Museum, of Lambeth Palace, and of Sion College have been carefully searched for the works of the Authors cited. In every instance in which any one of them could be found, the correctness of the quotation has been fully established by accurate collation with the original text. To afford a facility of reference, the particular Library in which the volume is deposited is added in brackets to the title of each Author's work.

The book of the CONSTITUTIONS, translated from the Spanish of Ignatius Loyola, was preserved with the strictest secrecy. It was printed in the houses of the Society and partially revealed to some of its members only. Upon the occasion of the celebrated trial of Father Lavalette, the Jesuits, in an unguarded hour,

were so indiscreet as to produce the volume of their mysterious Institute. An early edition of the *CONSTITUTIONES SOCIETATIS JESU* was printed at Rome in 1558, and another at Antwerp in 1702. It is from a copy of the latter in the University Library at Cambridge, that the following brief sketch of the Institute has been condensed.

To exhibit the Principles of Jesuitism in the words of the Jesuits themselves, and to compare those principles with the practice of modern Romanism, is the design of the present volume. A portion of it was printed some years ago for private and limited distribution.

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LIST OF JESUIT AUTHORS.

Airault	Fabri
Alagona	Fagundez
Amicus	Fegelli
Arsdekin	Fernandus
	Filliucius
Baldel	
Bauny	Gobat
Bellarmino	Gordon
Bridgwater	Gretser
Busembaum and Lacroix	Guimenius (Moya)
Caen, Jesuits of	Heissius
Casmedi	Henriquez
Caussin	
	Imago primi sæculi
Daniel	
De Bruyn	John
De Castro-Palao	Justinian
De Dicastille	
De Lessau	Keller
De Lugo, J.	
De Lugo, F.	Lacroix
De Rhodes	Lapide, C. à
De Scilders	Laymann
	Le Moyne
Escobar	Lessius
	Lorin

Mariana	Salas
Marin	Salmeron
Martinon	Sanchez
Molina	Sanctarelle
	Serrarius
Odin	Stoz
Ozorius	Suarez
	Taberna
Philopater	Tamburin
Platel	Tolet
Poignant	
	Valentia
Reginald	Vasquez
Sa	

MAYNOOTH WITNESSES.

Brasbie, Rev. D. L.	Moriarty, Rev. Dr.
Burke, Rev. W. J.	Murray, Rev. P., D.D.
Butler, Rev. Dr.	
	Neville, Rev. H.
Crolly, Rev. G.	O'Callaghan, Rev. J.
	O'Hanlon, Rev. J.
Dixon, Rev. T. W.	
	Renehan, Rev. Dr.
Furlong, Rev. T.	Rogers, W.
Leahy, Rev. D.	Whitehead, Rev. Dr.

THE
PRINCIPLES OF THE JESUITS,
&c.

CORRIGENDA.

Page 12, *note 1*, for *Constitutionem*, read *Constitutionum*.

Page 124, *title*, for *partibis*, read *partibus*.

brought to beguile the tedium of his seclusion from active life was the *Flos Sanctorum*, a Spanish romance, which inspired him with the love of spiritual knight-errantry: and being a man at once ignorant and ambitious, he determined to realize the schemes of visionary adventure on which his imagination had been doting. His first step in prosecution of his purpose was to devote himself to the Virgin as her true and faithful knight, which he did at the Benedictine Monastery of Montserrat, observing the ceremony of watching his arms before her image in token of his consecration to her

service. At Manreza he entered upon the course of his austerities, adopting the penury but rejecting the cleanliness of the beggar, and retired to a cave at a short distance from the city where he remained concealed for some time, undergoing the discipline of voluntary privation and self-inflicted severities. In this state he was found and carried back to the city, where the Dominicans endeavoured to cure him of his distraction. In their hospital he affected to receive illuminations from heaven; and a trance of eight days duration is particularly recorded by his biographer,¹ in which he was permitted to contemplate the construction of the order which he conceived himself commissioned to establish.

But it was not to these pretended spiritual communications that the frenzied visionary confined himself. Although his highest literary attainment was the capability of reading his native language, yet he undertook to compose a book of *Spiritual Exercises*, the revelations of which a Jesuit writer has declared, with the gravest blasphemy, to have been sent to him from God by the angel Gabriel.² Amongst the various extravagances which it contains, the "*Meditation of the Two Standards*" describes a contest between the armies of heaven and the legions of Satan, as an image of the martial order which the enthusiast projected.

The first great scheme which he designed to execute was a visit to the Holy Land for the establishment of the Romish faith. Arrived at Barcelona in his way, he was one day seated before the altar in devout attention to the public instruction which he heard, when the Lady Roselli witnessed the radiant illumination of his head.

¹ Ribadeneira.—History of Ignatius, Vol. I. p. 38. ² Ibid. 41.

Thence proceeding to Rome he did homage at the feet of Adrian VI., and received the Papal benediction previously to the commencement of his intended pilgrimage. At Venice he procured an introduction to the Doge, who permitted him to embark in a vessel which was on the point of sailing for Cyprus, where he found a number of pilgrims ready to proceed to Palestine, and accompanying them to the port of Jaffa he went forward on his way to Jerusalem.

After visiting with devout curiosity the site and wonders of the once Holy City, he was admonished by the provincial of the Franciscans, under the authority of a bull from the Pope granting him discretionary power for that purpose, to return to Europe; and Ignatius, the patron of obedience, assuredly gathering that he ought not to resist the command of God by despising the authority of his vicar, withdrew himself quietly from Palestine, leaving the Mahometans but little affected by his visit. On his return to Barcelona he attempted to repair the deficiencies of his education by *striving* to acquire a knowledge of the Latin language. He was at that time thirty-three years of age, and by patient perseverance he succeeded in surmounting the difficulties of declension. But unhappily for the romantic student, he found that Satan¹ had concealed himself in the present tense of the first verb which he attempted, and his classical progress was suspended until he had solemnly vowed that he would not yield to interruption for the space of two years. He was indefatigable in the fulfilment of his vow, but still he did not advance.

¹ History of Ignatius, Vol. I., p. 64.

When the judges of ungrateful Salamanca evinced their distaste for fanaticism by prohibiting his public preaching, the hero retired in disgust from the dishonour of his own country, with the intention of pursuing his studies in the enlightened university of Paris. His poverty obliged him to become dependent upon the hospital of St. James, where he was fortunate in escaping public flagellation for having converted three young Spaniards to his fanatical follies. Destitute of the means of subsistence he devoted his vacations to a profitable mendicancy; and after visiting Flanders and England he returned to Paris enriched with the alms of the benevolent.

It was at this time that Ignatius gained two companions, Peter Le Fevre and Francis Xavier of Navarre, who were afterwards distinguished for their exertions in the extension of his order. Their example was quickly followed by two young Spaniards of superior abilities, James Lainez, of Castille, and Alphonso Salmeron, of Toledo, who had heard at Alcala of the miracles which were ascribed to their wandering leader. They came to Paris, and, with Alphonso Bobadilla of Leon, were added to the number of his disciples. The sixth companion was Simon Rodriguez, a native of Portugal, who resigned himself with the blindest submission to the will of his infatuated guide.

With this accession of numbers Ignatius imagined that he could subdue the world. He proposed, and the proposal was received by all his associates with enthusiastic joy, to pass a second time into Palestine to gratify their ardent desire of spiritual conquest. They engaged to bind themselves to the enterprise by a vow, from

which they were to be released at the expiration of a year if a favourable opportunity for the adventure should not be found. In failure of the possibility of reaching the Holy Land they resolved to proceed to Rome, to offer their services to the Pope, and with submissive obedience to his mandate to go whithersoever he would send them, either to confirm the Papal power in the kingdoms where it already subsisted, or to establish it in those which were not reduced to its yoke.

The seven companions assembled at Montmatre and solemnly bound themselves by the vow which they often afterwards renewed. As they had not completed the course of their theological reading Ignatius resolved to extend the period; for he had severely experienced the inconvenience of such deficiency in himself. Before the expiration of the appointed time Le Fevre had added three new converts to their number at Paris,—Le Jay, Codure, and Brouet, who afterwards took the vow at Montmatre.

In the meanwhile Ignatius determined to visit his family at Loyola, before the commencement of his pilgrimage. Thence he proceeded to Venice, where he became acquainted with Caraffa, Archbishop of Theate, who was afterwards raised to the rank of cardinal, and finally to the Papal chair.¹ This Prelate had founded an order for the reformation of the lives of the dissolute ecclesiastics, and he wished that Ignatius should join it. But the teacher of implicit submission, with the true consistency of his order, chose rather to make new laws than to obey those which were already made, and Caraffa's invitation was rejected.

¹ Paul IV.—History of Ignatius, Vol. I. p. 117.

The several companions assembled at Venice, thence to proceed to Rome to ask the Papal benediction before they departed for the Holy Land. It happened that the object of their visit was announced to the Pope by Ortez, who had violently opposed them for their conversion of the three Spaniards. He had been sent to Rome by Charles V. to intercede with Paul for the confirmation of the marriage between Henry VIII. of England and Catharine of Arragon. Ortez recognized Xavier and Le Fevre, who succeeded in removing the animosity which he had retained against their leader and in persuading him to praise their project. The Pope received them to their satisfaction. He bestowed alms for their pilgrimage, and added the permission that they might receive ordination where and of whom they pleased.

Elated with this success the companions returned to Ignatius at Venice, where they vowed perpetual chastity before Nigusanti the Nuncio of his Holiness. A war between the Turks and Venetians obliged them to delay their departure for Palestine, and they awaited the time when their vow would be no longer binding. But they did not remain inactive. They dispersed themselves among the different towns, and with extravagant enthusiasm addressed the multitudes in the streets and in all public places, inviting them to join their wandering sect.

The time passed on, the year expired, and the project for Jerusalem was abandoned. It seemed to the infatuated leader that the continuance of the war had been expressly ordained to prevent the execution of his plan; and it was determined that he should proceed to Rome,

accompanied by Le Fevre and Lainez, to offer their services to the Holy See for the subjection of the nations to its power. The other associates were meanwhile to insinuate themselves into the several universities of Italy, to endeavour to pervert the students and to gain them to their cause.

When the three enthusiasts had arrived within a short distance from Rome, Ignatius devised a skilful expedient for the encouragement of his wavering friends. Entering without them into a small ruined chapel which stood by the way side, he fabricated an account of a vision which he declared that he had seen from heaven descriptive of the future prosperity of his order. Then he came forth with his visage and his understanding equally enlightened. His scheme succeeded to his wish, and his companions proceeded—for they were reassured.

On their arrival at Rome, Ortez, who had become their willing friend, presented them in person to the Pope, and they received permission to teach their peculiar divinity at Cologne. Le Fevre was charged with the exposition of the Scriptures, and Lainez with public lectures and scholastic disputation. The scattered labourers were not so successful. Xavier and Hosius were seized with dangerous sickness; the latter died, and Ignatius, at a distance, persuaded himself that he had traced the ascent of his spirit into heaven.

While the companions were thus employed in their dispersion it was not likely that the collective importance of their body would increase. Of this their crafty leader was aware. He therefore summoned them to Rome to consult together upon their future proceedings. The result of the conference was a determination to

raise themselves into a religious order, peculiar both in nature and in title, under the immediate sanction of the head of the Romish Church. The Pope was at that time absent from Rome, and they expected to surmount with difficulty the aversion which he had expressed to the increase of monastic institutions. Yet in case of a favourable reception, it was necessary that their society should be distinguished by a name. Even upon this point the illiterate fanatic pretended to have received instructions from heaven, under sanction of which he impiously designated his fraternity—THE SOCIETY OF JESUS.

While Paul III. remained at Nice, Ignatius was engaged in the revision of his code of laws, with the view of making them as acceptable as possible to his Holiness, and of paving the way to a favourable reception. To the vows of poverty and chastity which were already enacted he proposed to add another, of unqualified and perpetual obedience. One man was to be separated from among the brethren to whom the rest were blindly to defer as unto their chosen divinity. The companions agreed to all that he proposed; the order was to become monarchical, and the subtle projector was able to surmise upon whom the election to the sovereignty would fall. Still the society had nothing to recommend it to the Pope that he should grant it his authority and support. The *fourth vow* was therefore proposed, by which all who were admitted to profession of the order should solemnly bind themselves to the sovereign Pontiff and his successors, to go whithersoever they might choose to command them. This was an offer which a Pope could not resist. In subsequent confer-

ences it was also determined to be expedient that the society should be capable of possessing colleges in the universities, with endowments for the maintenance of scholars.

Thus prepared they awaited the return of his Holiness to Rome. The plan of the Institute was laid before him by Cardinal Contarini, and the promise of profession of the fourth vow had the desired effect. The Pope approved the society; but he was unwilling to confirm it without a reference to three cardinals. It was violently opposed by Guidiccioni, who instead of encouraging the formation of new orders wished to reduce the number of those which already existed. The other cardinals acquiesced in his opinion and the establishment of the society continued doubtful.

Ignatius, nothing daunted by this repulse, devoted himself sedulously to the removal of the opposition of Guidiccioni: but his efforts were expended with little prospect of success until he devised the expedient of purchasing the cardinal's favour by the offer of three thousand masses to heaven. The bargain was accepted and Guidiccioni became his friend. Then the society began to prosper, for the chief impediment to its institution was removed. It received the confirmation of the See of Rome, by the Bull "*Regimini Militantis Ecclesie*," which was published by Paul III. in the year 1540, the sixth of his Pontificate.¹

Still the companions were united under a restriction which did not satisfy their ambitious leader; for their number was limited to sixty. He succeeded however in removing this restriction after nearly three years of

¹ *Litteræ Apostolicæ*, (Romæ, 1606,) Bulla I. 1540.

persevering solicitation, when another Bull was published¹ permitting the unlimited extension of the society over the whole world.

When the accumulating army was thus regularly organized it became necessary to deliberate on the choice of a General. The suffrages of the members were collected and the lot fell upon Ignatius. Possibly he had sufficient capacity to calculate upon such a decision; certainly he had art enough to feign a reluctance to gratify his ardent wish. But the official power was offered to him a second time—an offer which he readily ascribed to divine interposition; and he entered upon the government of the Order on Easter-day.

¹ *Litteræ Apostolicæ*, Bulla II. 1543.

CHAPTER II.

THE INSTITUTE.

THE care with which the Jesuits concealed the book of their varying Institute betrays their consciousness of the suspicious nature of its contents. To the deep schemes of policy devised by abler men than the first author of their system, and to the spirit of enterprize with which they were achieved, the society is indebted for the aggrandizement which it afterwards attained. Their crafty leader knew the value of obedience, and he bowed the wills of his adherents as the spirit of one man. Bound by no laws himself he secured the power of making them for others, and in the exercise of supreme authority ruled the actions of his subjects with absolute and arbitrary sway. Constitutions, it is true, were framed and confirmed for the government of his spiritual monarchy: but they were neither permanent nor definite, because the power of changing them with the change of circumstances was vested wholly in the General, and because they were but partially communicated, at his discretion, to those whom they were given to direct.

The course of education adapted to this subtle system was admirably calculated to excite and gratify an unbounded ambition. The fruitless austerity and unmeaning forms of the monastic orders were exchanged for the acquisition of a knowledge of those useful arts which the spiritual soldiers might turn to their worldly account. No sooner were the Novices enlisted in the society than their rank and temper, talents and possessions, were strictly scrutinized and faithfully reported to their superior. Natural abilities made ample atonement for poverty, and wealth for the lack of talent. Some useful office could be found suited to capacities of every kind; and therefore was it especially provided that the choice of members should be influenced by the riches which they had in possession, that they might at least contribute to the temporal, if not to the spiritual advantage of the body. A brief and orderly review of the constitutions will display the process which tried the qualities of the admitted members.

The avowed object of the society is declared to be an intent activity in setting forward the salvation and perfection of the souls of men.¹ For the better qualification of those who engage to enter it for that purpose, the three vows of *obedience*, *poverty*, and *chastity*, are imposed.² In reference to individuals, that of poverty is made in the strictest sense of the word; for the possessions of the candidates leave them as *exuvie* at the very entrance, and they are received without the power of retaining the smallest pittance for their support. Every *House of Probation* is a branch of one of the society's

¹ *Examen Generale Constitutionem cum Declarationibus*, I. § 2.

² *Ibid.* § 3.

colleges,¹ and endowed with revenues for the maintenance of scholars in their progress towards profession. These revenues cannot be applied to any other use and are at the disposal of the General, or of the rectors appointed by him to superintend their expenditure.²

The Jesuits who have passed to the most secret mysteries of the Order are distinguished by the appellation of "*the Professed Society*."³ Besides the three *simple* vows of obedience, poverty, and chastity, they are compelled to take the *fourth and peculiar vow*, by which they bind themselves to proceed upon any mission which the Pope may command them to undertake.⁴ But the General, who has all power over missions,⁵ can enable them to evade this vow, unless his Holiness should use extreme caution in the verbal definition of his instructions.

The whole society may properly be said to consist of four classes:—1. Novices. 2. Scholars. 3. Coadjutors; and, 4. The Professed of Four Vows.

Besides these there are some Jesuits who are simply admitted to the profession of three vows.⁶

¹ *Examen Generale Constitutionum cum Declarationibus*, I. § 4. and B.

² *Constitutiones cum Declarationibus*, P. IV. c. 2. § 5. C.

³ *Examen* I. § 5.

⁴ *Const.* P. V. c. 3. § 3. C.

⁵ "Idem Generalis in Missionibus omnem potestatem habebit."
—*Const.* P. IX. c. 3. § 9.

⁶ *Examen* I. § 7. D.

I. NOVICES.

THE Novices are the first in order of admission, and in dignity the last. Before they can be received to a higher class they must pass the different stages of probation. Apartments in their houses are reserved for this special purpose, and are called *the House of Primary Probation*.¹ The candidates for admission are received there without difficulty, if they are evidently fit for the designs of the society; if otherwise, they are immediately dismissed by the examiner, who consoles them (agreeably to the directions of the Institute), as far as circumstances will admit.² In this house they remain as guests for twelve or twenty days, that they may acquire a *little* knowledge of the nature of the society,³ and that the society may gain *much* information concerning their utility, talents and condition. On the day which follows their admission they are instructed in the deportment which is required of them. Every communication with the servants or strangers, either by word or letter, is expressly forbidden, unless permitted by the Superior for some special purpose. In two or three days they are more closely questioned; and the book of the "*Examen Constitutionum*" is left with them for mature consideration. The Declarations provide that they shall at first be kept from a knowledge of *all* the Constitutions. They are only suffered to inspect a brief *Compendium*, which teaches them what

¹ Const. P. I. c. 4. § 1, 2, and A.

² *Examen* II. § 7.

³ Const. P. I. c. 4. § 1.

they must observe and do.¹ The Bulls, a Summary of the Constitutions and the General Rules are afterwards submitted to their deliberation,² or the substance of them recounted if they cannot understand the Latin in which they are written.

There are *five impediments* to admission into the society:—1. Heresy, schism, or excommunication. 2. Homicide. 3. Having worn the habit of another order. 4. Marriage. 5. Imbecility of mind.³

Any one of them may be sufficient to prevent the progress of a candidate through the society. Still, if he should be endued with excellent gifts which may be useful for the designs of the Institute, an application may be made to the Pope, or his Nuncio, to entreat for his admission. The General may then consent to it if he think proper: but the door must not be opened to many such cases, nor indeed to any unless the abilities of the candidate should be of a superior kind.⁴

In addition to these five hindrances there are others which render an applicant less fit for admission, although they may not be sufficient for his absolute rejection.⁵ They are left to the discretion of the examiner and referred to the decision of the superior. Among them the Constitutions enumerate ungoverned passions, a habit of sin, an unsettled disposition, want of learning or of

¹ "Non oportebit Constitutiones universas ab iis, qui novi accedunt, legi; sed Compendium quoddam earum, ubi quisque quid sibi observandum sit, intelligat."—*Examen* I. G.

² Const. P. I. c. 4. § 5.

³ *Examen* II. § 1, &c. and Const. P. I. c. 3. § 3, &c.

⁴ Const. P. I. c. 3. § 7. G.

⁵ *Ibid.* c. 3. § 8. and H.

memory to retain it, indifference to improvement, deficiency of judgment and obstinacy of opinion.¹ To these are added bodily imperfection, disease, weakness and remarkable deformity. Fourteen years is the earliest age at which candidates can be admitted to probation, and to profession at twenty-five; restrictions with which it is in the power of the General discreetly to dispense.² Debts and law-suits are incumbrances from which the Jesuits are particularly anxious that their novices should be free.³

During the days of primary probation the candidate is asked whether he has formed the deliberate intention of living and dying in the society in perfect obedience to the General.⁴ In the examination to which he must submit every circumstance is drawn from him connected with his birth, his family and connexions. Strict enquiry is made touching the marriage or celibacy of a brother or sister, their state and manner of life, but above all, whether he be bound himself by a promise of marriage—an engagement which might render him inadmissible upon the ground of implication under the fourth impediment.⁵ The eagerness of the society in amassing to itself the property of families, is betrayed in all these questions. The health and perfections of the candidate's body must be ascertained, not only by particular enquiry but also by surgical inspection.⁶ The

¹ Const. P. I. c. 3. § 9, &c.

² Ibid. § 16. K.

³ Ibid. L.

⁴ Examen III. § 14. Const. P. I. c. 4. § 3 and P. V. c. 1. § 1. A.

⁵ Examen III. § 2, 3, 4, 5; and Declar. C.

⁶ Examen III. § 8.

manner in which his life has been spent from his youth, the bent of his inclinations, the substance of his prayers, the fervour of his devotions,¹ *all* must be revealed without reserve at the bidding of the scrutinizing enquirer.

The succeeding question in the *Examen* is characteristic of the universal despotism of the militant Institute. The applicant must be asked whether he has ever held, or still continues to hold, any opinions or ideas differing from those which are commonly maintained by the church and approved by her doctors;² for novel opinions cannot be tolerated.³ The judgment must entirely defer to the interpretation adopted by the society, that conformity to it may be preserved even upon those points on which the Catholic doctors themselves are not agreed.⁴ In every scruple or spiritual difficulty which may arise he must engage to abandon his own decision and to acquiesce in the opinions of other members of the society who are gifted with probity and learning.⁵

He must next declare his resolution of renouncing the world, he must define the time and manner of his persuasion to do so, with the mental warnings by which it was suggested. His property must be resigned, dispersed, and given to the poor⁶ (*society of Jesuits, who are mendicants for that purpose*), without a hope of regaining it at any time. If, for good and special reasons,

¹ *Examen* III. § 10.

² *Ibid.* § 10, 11.

³ Const. P. III. c. 1. § 18. Declar. O.

⁴ *Ibid.* and *Examen* III. § 10.

⁵ *Examen* III. § 11, 12.

⁶ *Ibid.* IV. § 1.

it should not be immediately relinquished, he must bind himself by a promise to give up the whole of it after one year from his admission, whenever his superior may demand the resignation.¹ And that his better² example may shine before men he must put away all strong affection for his parents and refrain from the unsuitable desire of a bountiful distribution towards them arising from such a disadvantageous affection, that the precept of the Gospel may be followed more perfectly, which says not, "*Give to your relations,*" but "*Give to the poor.*" Yet should any scruple arise as to the propriety of bestowing his money upon strangers in preference to his kindred, to avoid the danger arising from family affection the superior may appoint two or three Jesuits³ (or those who are not, if he should prefer it), to dispose of the scruple for him. To them he is compelled to leave it, and he must submit, without appeal, to their absolute decision. Thus effectually cut off from all access to his parents, and even from a *useless remembrance* of them, he may proceed more surely in the course of his hopeful vocation,—*ad majorem Dei gloriam*.

The candidates are then questioned upon their voluntary submission to the inquisitorial system of the society. They are interdicted from verbal or written communica-

¹ Examen IV. § 2.

² "Ut melius exemplum omnibus exhibeant, inordinatum erga parentes affectum exeuendi, et incommoda inordinatæ distributionis quæ a dicto amore procedit, declinandi; atque ut ad parentes et consanguineos recurrendi, et ad *inutilem ipsorum memoriam* aditu precluso, firmitus et stabilius in suâ vocatione perseverent." —Examen IV. § 2, &c. and Const. P. III. c. 1. § 7. F. G.

³ Examen IV. § 3 and A.

tion with their families and friends; and they are asked whether they will refrain from such intercourse, unless permitted by their superior; whether they are satisfied that all letters written and received by them, as long as they remain in the house, should be opened, read and delivered up for that purpose, to the person appointed to examine them.¹ Their actions, errors and deficiencies are always closely watched, and reported to the superior by any one who has observed or discovered them not in confession.²

After the Constitutions have been read in primary probation according to the directions of the Institute, a general confession of the whole past life must be made, and repeated every six months to some Jesuit priest who may be deputed by the superior to receive it.³ If any confession had been previously made to one of the society, it would be sufficient to retrace the subsequent period only. An entry is then inserted in a book kept for that purpose of every thing brought by the applicant into the house, and of his contented submission to all that may be there proposed to him. To this entry he is obliged to attach his signature, if he can write;⁴

¹ "Interrogentur, num contenti sint cum hujusmodi non communicare, nec literas accipere, nec scribere; nisi aliquâ occasione superiori aliter videretur: Et quamdiu Domi fuerint, num contenti sint, ut videantur literæ omnes, et quæ ipsis scribentur, et quas ipsi aliis scribent; ei cui hujusmodi munus commissum est, curâ relictâ, ut eas det, vel non det, quemadmodum in Domino nostro magis expedire judicabit."—*Examen* IV. § 6. and *Const.* P. III. c. 1. § 2.

² *Examen* IV. § 8.

³ *Ibid.* § 41, and *Const.* P. I. c. 4. § 6.

⁴ *Const.* P. I. c. 4. § 6. F.

if not, it may be signed for him by another person in the presence of several witnesses. Then the sacrament of the eucharist is administered to him, and he afterwards passes from the chamber of *Primary Probation*, to join the *Novices* of the *House* who are devoting a longer period to the exercises of their *Second Probation*.

The *Noviciate* in the House of Probation continues for two years,¹ unless the period should be contracted or prolonged at the discretion of the General.² There are six principal *Exercises*³ ordained for the trial of the Novices, which may be varied and modified, accelerated or postponed, by the same omnipotent authority.⁴ These six *Experimenta* are given in the following order :

1. The novices are to devote a month to spiritual exercises, self-examination, confession of sins and meditation, and to a contemplation of the life, death, resurrection and ascension of Christ.

2. They are to serve for another month in one or more of the hospitals, by ministering to the sick in proof of increasing humility and entire renunciation of the pomps and vanities of the world.

3. They must wander during a third month without money, begging from door to door, that they may be accustomed to inconvenience in eating and sleeping : or else they may serve in a hospital for another month, at the discretion of the superior.

4. They must submit to be employed in the most

¹ Examen I. § 12.

² Ibid. P. V. c. 1. C.

³ Ibid. IV. § 9, 10, &c.

⁴ Const. P. IX. c. 3. E.

servile offices of the house into which they have entered, for the sake of shewing a good example in all things.

5. They are to give instruction in christian learning, to boys, or to their untaught elders, either publicly, privately or as occasion may be offered.

6. When sufficient proof has been given of improvement in probation the novice may proceed to preach, to hear confessions, or to any exercise in which circumstances may direct him to engage.¹

While a Jesuit is thus fulfilling the several trials of his fitness he may not presume to say that he is one of the society.² He must only describe himself as wishing to be admitted into it, *indifferent* to the station which may be assigned to him and waiting in patient expectation until it be determined how his services may be most advantageously employed. Testimonials of a faithful and efficient discharge of the six *Experimenta* must be brought by the novice to the superior; for the first, from the approver of his spiritual exercises; for the second, from the governor of the hospital; for the third, from a respectable resident in the district of his mendicancy; with certificates of similar credit for the remaining three.³ If testimony to diligent probation cannot be procured, it is deemed expedient to dismiss the novice at once,⁴ rather than admit him into the body of a society to the Institute of which he would only be an unprofitable member.

¹ Examen IV. § 10—15.

² Ibid. § 17.

³ Examen IV. § 18—24.

⁴ Const. P. II. c. 2. C.

The three simple vows are not to be taken until after the expiration of the *biennium* of the noviciate; unless an unusual warmth of devotion should impel the novices to desire an earlier profession of them;¹ then, by an express permission of the General they may be allowed to do so: but no one may be urged, much less compelled, to hasten this closer union with his Maker.² Their vows are of the same form as those which are required of the scholars and are given in the fourth chapter of the fifth part of the Constitutions. They must be renewed twice every year on two solemn festivals,³ before the administration of the holy sacrament and in the presence of the resident members of the house.

After this profession of obedience the novices must still remain in an *indeterminate* state, until by lapse of time the society shall have discovered for which of the classes their talents will qualify them. They are compelled to be *indifferent*⁴ in their choice and to abide the decision of the superior. They are warned that they may not at any time shew a preference, either directly or indirectly, for any rank in the society;⁵ but that they must defer in perfect humility and obedience to the *dictum* of the General—even if he should require them to devote their lives to serve in the meanest offices of the society. The utmost liberty which the Constitutions allow them is very limited. After having prayed,

¹ Const. P. V. c. 4. § 6.

² Ibid. P. III. c. 1. T.

³ Const. P. V. c. 4. H. and P. IV. c. 4. § 5. D.

⁴ Examen I. § 11.

⁵ Ibid. VIII. §. 1, 2.

they may venture to declare to their superior any suggestion which might occur to them upon their comparative fitness for a particular office. But having done so, they must contentedly abide by his supreme decree whether their prayer be granted or refused.¹

If the Jesuits should be found unfit for the designs of the society they may be dismissed, but with a difficulty proportioned to the dignity of the class into which they have been admitted.² Those who have been received to primary probation only may be dismissed more readily than others. The novices who have not taken the vows may be rejected more easily than approved scholars, or than temporal and spiritual coadjutors who have made profession of their public vows. In some instances even the professed themselves may be dismissed, when they cannot be retained without injury.³ But expulsion will always be made with a readiness or reluctance proportioned to the *dona Dei* with which the Jesuit may be endued.

The power of such dismissal belongs to the whole society assembled in general council. It is also vested in the General himself,⁴ and he may impart it by voluntary measure to provincials, local superiors and rectors, for the preservation of obedience among all the members of the body. Upon this delegated authority they may act, except when the expulsion is to affect a coadjutor or one of the professed society. In such a

¹ Const. P. III. c. 2. § 1. and P. V. c. 4. § 5. F.

² Ibid. P. II. c. 1. § 1. A.

³ Ibid. c. 1. § 1. A. &c.

⁴ Ibid. P. II. c. 1. § 2.

case the circumstances must be transmitted to the General, that his consent and approval may be given; unless the faulty Jesuit be engaged in an Indian or other distant mission, when it becomes necessary that his provincial should have the power of dismissing him for any just and sufficient cause.¹

II. SCHOLARS.

IN order to promote the designs of the society the Jesuits consider it expedient that they should possess colleges and universities of their own,² in which the novices who have acquitted themselves with credit in the houses of probation may be admitted to additional instruction in the mysteries of the Institute and examined more strictly in their own qualifications. These colleges are coffers for all the riches which the society can amass by way of endowment;³ and the Constitutions provide that annual, monthly and weekly masses shall be said for their founders and benefactors whether they be living or deceased. Tapers are to burn in token of the grateful memory in which they are held by the society.⁴ But if in course of time no descendant of a founder should happen to reside near the college which has been endowed with his property, the taper may be removed⁵ to his immediate neighbourhood to remind him that Jesuitical gratitude is a burning and a shining

¹ Const. P. II. c. 1. § 2. Declar. C. &c.

² Ibid. P. IV. c. 1. Proœm.

³ Ibid. § 1, 2.

⁴ Const. P. IV. c. 1. § 3.

⁵ Ibid. Declar. B.

light. But lest he should mistake the meaning of the glimmering wax, the Declarations very carefully express that he must not construe it into an acknowledgment of a remaining right of patronage, or of any control which the descendants of the founder may suppose that they retain over the temporal possessions of the college—for they have not such a privilege.¹

The General is invested with plenary power to receive benefactions for the foundation of colleges, in the name of the society at large.² But if the founder should propose conditions³ of acceptance, the General must confer with his assistants and other experienced advisers, upon the expediency of accepting or rejecting the offer, lest the gift should become burdensome rather than beneficial to the interests of the society. The consideration and decision of such a weighty matter must then be referred to the next following congregation;⁴ for the General has not the power of transferring, dissolving or alienating established houses and colleges, or of converting their revenues to the use of the professed society. This select body takes charge of the riches which are gathered into the collegiate garners and effectually provides for the administration of them, independently of the scholars for whose benefit alone they are avowedly given and preserved. The power of appropriating these revenues may be transferred by the General to the rectors, provincials or others whom he may choose to select for that purpose, with a permission to receive into

¹ Const. P. IV. c. 1. C.

² Const. P. IV. c. 2. § 1.

³ Ibid. § 2.

⁴ Const. P. IX. c. 3. § 17, 18.

the colleges whatever may contribute to their temporal increase and support.¹

The scholars therefore, who should *seem* to be the richest members of the society, are in fact the poorest; because they have no control over the expenditure of their own property. The professed society who, with the General at their head, have the credit of *appearing* to be the poor destitute, are in truth the sovereign disposers of this accumulated wealth, although the Constitutions prohibit the application of it to their individual necessities. But still their jurisdiction may be referred to the universal power of their supreme ruler; because it is he who chooses the administering rectors from the class of coadjutors, and he may remove them at his pleasure.² They will therefore, of course, be subservient to his will.

The bulk of the property given or bequeathed to the militant society is thus appropriated to the raising of recruits for general or special service. But the Constitutions allow to the professed considerable latitude in their disbursements. They may expend the revenues upon persons *who will make themselves useful*,³ upon preachers, confessors and visitors, and upon some of the professed who are employed in promoting the spiritual or temporal welfare of the colleges. They may even be appropriated to those who are occupied in the *business* of the colleges, but *not within* them.⁴ They may be applied to the payment of proctors, who are retained to

¹ Const. P. IV. c. 2. § 5. C.

² Ibid. P. IV. c. 10. § 1, 2, 3.

³ Ibid. c. 2. § 5. F.

⁴ Ibid. P. IV. c. 2. § 5.

support the interests¹ of the society with the Pope, or at the courts of other princes, and to convert the enmity of an opponent to the favour of a friend.² The General may apportion the funds of the colleges to the discreet payment of these beneficial expenses; and a *very small* pittance may be lavished upon a vagrant brother.³

The scholars regularly trained in these colleges are of two kinds—1. *Received*, and 2. *Approved*. The former division comprises all those who are sent to try their skill in collegiate exercises without having passed their noviciate. Any one of the five *impediments* to probation would be sufficient to prevent their reception as scholars.⁴ But when in consequence of their freedom from such impediments they have been pronounced fit for any of the houses of probation, their fitness for residence in the colleges may also be understood by implication.⁵ This early reception does not dispense with the period and exercises of probation, but it amounts to a permission to discharge them in conjunction with the course of college reading;⁶ and it is not until after their completion, added to a profession of the three vows and a promise of perpetual fellowship with the society, that the Jesuits are admitted as *approved scholars*.⁷ The vows which

¹ Const. c. 2. § 5. E.

² “Ad ea quæ dicta sunt, reducitur cura conveniens amicos conservandi, et ex adversariis benevolos reddendi.”—*Const. P. IV* c. 10. C.

³ *Ibid.* c. 2. § 5. F.

⁴ *Ibid.* c. 3. § 2.

⁵ *Ibid.* c. 3. A.

⁶ *Examen. IV.* § 16.

⁷ *Const. P. IV.* c. 3. § 3, 4.

are then taken bind them instantly and firmly to the society, but not the society to them ; and they must be renewed twice every year on the festivals of the resurrection and nativity. Although the vow of poverty be made, together with the promise of renouncing their property, yet with the General's sanction they may retain possession of their temporalities for such a portion of their time of probation as he may think proper to allow.

The qualities to be desired and commended in the scholars are, acuteness of talent, brilliancy of example and soundness of body.¹ They are to be chosen men, picked from the flower of the troop ;² and the General has absolute³ power in admitting or dismissing them, according to his expectations of their utility in promoting the designs of the Institute. They are not to be *easily* approved, lest the spirit of union by which the society is bound should be weakened by their deficiencies.⁴

The *approved scholars*, as well as the coadjutors and professed, are comprised in the *body of the society*, these being the three classes of which it is principally composed.⁵ When therefore, at their admission, they promise and vow to enter into the society, it must be understood of their progress to one of the two superior classes of coadjutors or professed.⁶ But should they not have satisfactorily passed the time and course of their studies, the society is free to reject them from either

¹ Const. c. 3. § 2.

² Ibid. P. VIII. c. 1. § 2.

³ Ibid. P. IX. c. 3. § 1.

⁴ Ibid. P. X. § 7.

⁵ Const. P. V. c. 1. A.

⁶ Ibid.

class if, in the opinion of the General, their reception would not be pleasant unto God.¹ They are then permitted to depart, absolved from all their vows. In those cases of admission which are distant from the presence of the General, he may communicate his authority not only to provincials, rectors, and visitors, but even in some cases, when there are none of the professed society within a convenient distance from the candidate for admission, to a bishop or dignitary of the church who is not a Jesuit.²

The vow which the society requires of the approved scholars is in form the same as that which is made by the novices. It may not be administered as a sacred promise made unto man in the presence of his fellow-men, but it must be offered unto God alone.³ Yet notwithstanding this solemn obligation, the Constitutions, in serious mockery of the divine attestation, provide a tacit evasion of it. Perpetual adherence is promised in the vow under this limitation, "*omnia intelligendo juxta ipsius societatis Constitutiones;*" but the Declarations supply this admirable reservation: "Conditio illa tacita, quæ inesse dicta est in voto coadjutorum, quod ad perpetuitatem attinet, etiam in hoc est intelligenda, scilicet, '*Si societas eos tenere volet.*'"⁴ The Jesuits therefore exalt the society above their God. They compel their members to swear before their Maker, and they suffer them to keep their faith with him inviolate just as long as the honourable society may think proper. Should

¹ Examen VII. § 1.

² Ibid. § 2. B.

³ Const. P. V. c. 4. § 3. D.

⁴ Ibid.

the interest of the body require their dismissal they are freely shorn of all their vows, because the society can absolve them perfectly. It can liberate them also for a definite period, to recal them when the general interest may require their return: and then they must re-enter the society, bound as formerly by their vow of perpetual poverty and obedience. This may occur, and not unfrequently, when it is desirable that the society should secure the property which a Jesuit would have inherited. He is then made free from all his vows and sent forth swiftly as an eagle to the prey. But as the lesser bird which decoys to the snare of the fowler can only enjoy the liberty which is allowed by the length of his string and the will of his master, so must the richly laden Jesuit return at the bidding of his General, and bound once more by his former vow of renouncing the things of this world, he is quickly relieved of his acquired wealth, which is safely deposited in the craving and capacious coffers of the society.

III. COADJUTORS.

THE third class of Jesuits consists of the spiritual and temporal Coadjutors. In addition to the exercises of primary and secondary probation it is necessary that they should still devote a third year to any further trial of their perfections to which it may be deemed expedient that they should submit.¹ They must dedicate three more days to vagrancy and profitable mendicity.² Like the approved scholars, they must be chosen men,

¹ Examen VI. § 8. and Const. P. V. c. 1. § 3.

² Examen IV. § 27.

selected from the flower of the flock.¹ When the society and the General are satisfied with their manner of life, their abilities and example, the latter may admit them either in person or by deputy to the oblation of their simple vows.² These vows are similar in form and substance to those of the first class, except in the blasphemy which they contain, for they set up the General or his representative in the place of God.³

These *simple* vows of the spiritual coadjutors (for those of the professed society are alone accounted *solemn*) are made in a church or chapel of one of the houses, before the General or one of the society deputed by him, and in the presence of the servants and strangers. The Declarations annul the perpetuity of their obligation by announcing that this tacit condition is implied—"Si societas eos tenere volet."⁴ If it be deemed inexpedient to retain them they are instructed to take their dismissal, and to consider themselves absolved from the simple vows which they have made according to the usual forms of the society and that they need no other dispensation.⁵

¹ Const. P. VIII. c. 1. § 2. and B.

² Const. P. V. c. 2. § 4; and P. IX. c. 3. § 1.

³ "Ego, N. promitto Omnipotenti Deo, coram ejus Virgine Matre et totâ cœlesti curiâ, et tibi R. Patri Præposito Generali Societatis Jesu, *locum Dei tenenti*, et successoribus tuis; vel tibi R. Patri Vice-Præpositi Generalis Societatis Jesu, et successorum ejus, *locum Dei tenenti*; perpetuam Paupertatem, Castitatem et Obedientiam; et secundum eam peculiarem curam circa puerorum eruditionem; juxta modum in literis Apostolicis et Constitutionibus dictæ Societatis expressum.—Romæ, vel alibi, in tali loco, die, &c."—Const. P. V. c. 4. § 2.

⁴ Const. P. V. c. 4. § 1. B.

⁵ Const. P. II. c. 1. § 1. A. and P. II. c. 4. § 3.

In the admission of temporal coadjutors the same form is used, with the omission of the clause *circa puerorum eruditionem*.¹

The *spiritual coadjutors* must be priests of adequate learning, that they may afford assistance to the society in hearing confessions, or in giving exhortation and instruction in christian doctrine.² They are considered capable of receiving a communication of the same privileges for the service of souls as the Professed themselves are wont to receive.³ When they are examined and set apart for their rank in the society, they must devote themselves entirely to spiritual things and abstain from the desire of changing to another class as resignedly as if they knew not that such a change were possible.⁴ The rectors of colleges are chosen by the General from among the spiritual coadjutors to superintend the administration and observance of their several regulations, and to preside over their ordinary government.⁵ The coadjutors may sometimes be convened in congregation to deliberate with the professed society in matters of importance,⁶ but they have no voice when the election of a General is the object of the convention. Still they may be present at such election to add their votes upon any other business which may be subsequently transacted in the assembly.⁷

The *temporal* coadjutors, whether literate or illiterate,

¹ Const. P. V. c. 4. § 3.

² Examen VI. § 1, 2.

³ Ibid. § 2.

⁴ Examen VI. § 5.

⁵ Const. P. IV. c. 10. § 3.

⁶ Const. P. VIII. c. 3. A.

⁷ Ibid. c. 6. § 4. B.

are never admitted into holy orders.¹ They are retained to minister in the lowest offices to which they may be appointed, and are limited in number to the precise necessity of the society's demands. The Declarations define them as fitted for the honourable offices of college cooks, porters and purveyors, or to be employed in the lighter labours of the laundry.² For these purposes it is deemed essential that they should be conscientious, peaceful, tractable, lovers of virtue and perfection, given to devotion and content to serve the society in the careful office of a Martha.³ If they should seem restless in their menial occupations and desirous of literary employment,⁴ they are not to be admitted among the temporal coadjutors, but transferred to exercise their talents in greater things than these. Yet when once their lot has been assigned to them, they are not to increase the stock of literature which pertained to them at their admission; and like the spiritual coadjutors they must desire no change.⁵

The Constitutions are also very provident in relieving this class of Jesuits from all anxiety respecting their property. It is to be resigned to the General before they are permitted to take the vows, in the expectation that it will be distributed to the poor, and in the certainty that it will be withheld from themselves and their relations.⁶ Before they have actually entered the society they are permitted to dispose of their property

¹ *Examen* VI. § 1.

² *Const.* P. I. c. 2. § 2. A.

³ *Ibid.* c. 2. § 2.

⁴ *Ibid.* c. 2. *Declar.* B.

⁵ *Examen* VI. § 6.

⁶ *Ibid.* § 2.

according to their will,—for this very excellent reason, that the eager fraternity have not the power to control them. But when once they are fairly *taken in*, they must not think to interfere in the disposal of their riches whether they are in present possession or in expectance only. Whether their property be secular or ecclesiastical, they must resign it with a cheerfulness becoming the followers of a spiritual life. And if any scruples should arise out of affection for their poor relations, the disposing verdict of two or three pious Jesuits will provide immediate relief for their troubled consciences.¹

Although the Constitutions secure to their ruler an absolute power over the riches of his subjects, yet they suppose the possibility that a probationary Jesuit might wish to bestow a part of the property which he is about to renounce for ever, as a benefaction to some particular place for which he might feel a preference above every other in the province.² Then the rectors, superiors or provincials are commissioned to open a reproof charge against him. He must be told that the provincial is the best judge of what is more conducive to the general good; care being had not to give offence thereby to kings, princes and potentates.³ The poor mistaken Jesuit is corrected in the unhappy error into which he has fallen, and a charitable hope is entertained that the General will graciously vouchsafe to pardon him, and that he may be enlightend by the divine goodness to perceive his deficiency from perfection.⁴

¹ Const. P. III. c. 1. § 7. G.

² Const. P. III. c. 1. § 9. H.

³ Ibid. and P. X. Declar. B.

⁴ Ibid. P. III. c. 1. Declar. H.

IV. THE PROFESSED SOCIETY.

THE remaining class of Jesuits—the fourth in order of admission, in rank and privilege the first—comprises all those members who, in addition to the three simple vows, have taken the *fourth, or peculiar vow*, which binds them to proceed on the Papal missions. By way of pre-eminence they are distinctly called “*The Professed Society*.”¹ Indeed the society is declared more properly to consist of them alone;² not that they are exclusively members of it, but because they possess the most extensive influence. They must be priests of above twenty-five years of age at the least, expert in learning, and in virtue excellent.³ Their probations are more strict and of longer duration than those of the preceding classes; for still another year⁴ is added to their course of trial. The days of secondary mendicancy ordained for the coadjutors must also be observed by the candidates for profession,⁵ that their humility and self-denial may be more strictly proved: for it is only chosen⁶ in men whom the spirit of learning and fitness has been long attested who may hope to be admitted to the counsels of the select society.

Commencing from the day when the conscience was first laid open to a superior in one of the houses of probation, the Jesuit must proceed with a detail of the subsequent occurrences of his life, carefully avoiding the

¹ Examen I. § 5.

² Const. P. V. c. 1. A.

³ Examen I. § 8; Const. P. I. c. 2. § 12; and P. X. § 7.

⁴ Const. P. V. c. 1. § 3.

⁵ Examen IV. § 27.

⁶ Const. P. X. § 7.

least concealment. These confessions are to be repeated every six months to the deputed representative of the General, and the last of them must be made within thirty days of profession.

In addition to a proficiency in general and philosophical literature, a period of about four years must be devoted to a course of theological reading. During this time the candidates for profession must be exercised in the defence of several theses, in logical and philosophical disputations and in scholastic divinity.¹ It may be that some of them will display superior knowledge in canon law, or a pre-eminence in other excellent gifts which might compensate for their deficiency in theology.² Then they may be admitted without the latter to a profession of three, or sometimes even of four vows, if they should be persons of distinction, although the practice must not be of frequent repetition. Of the value of these qualities the General must be the judge.³ With him alone the power of admission rests, except in distant or emergent cases, when it may be expedient or indispensable to entrust the weighty matter to the judgment of a provincial.⁴ This deputed reception may not frequently occur, and the head of the society must be previously assured that the candidates are well qualified for admission.⁵ In some instances indeed it is even

¹ Examen IV. § 36, 38.

² Const. P. V. c. 2. § 2.

³ "Alia egregia dona haberet, ex quibus, quod studio theologiæ deest, compensari posset."—Const. P. V. c. 2. B.

⁴ Const. P. V. c. 2. B.

⁵ Ibid. c. 1. B.

⁶ Ibid. P. IX. c. 3. A.

deemed lawful to commit this authority to persons who are *externi* of distinction—to bishops, or to those who are invested with ecclesiastical dignity. But this can only be submitted to when there are none of the professed society within a reasonably convenient distance.¹

As in the preceding classes, provision is made for the secure disposal of the property of the professed. They are to be reputed as having nothing, while they really possess a power over all things. After their admission they cannot retain any ecclesiastical benefices which they held before. All their other property must be resigned at the command of the General, and they must cheerfully consent that it be dedicated to works of piety, or transferred to the fruition of other men² who are labouring in their vocation to forward the designs of the Institute.

Since poverty is declared by the Constitutions to be the bulwark of religion,³ the Professed are required to cherish it in the strictest purity. They must not possess revenues of their own;⁴ neither may they apply those of the colleges, which are consigned to their guardian management, to the relief of their individual necessities.⁵ But by an admirable artifice they can evade this restriction. The General may conceive it expedient to send them as visitors to some of the colleges or universities upon the plea of superintending and improving the management of their interests, or of guiding the students

¹ Const. P. V. c. 1. § 2. B.

² Examen IV. § 5.

³ Const. P. VI. c. 2. § 1.

⁴ Ibid. I. § 3.

⁵ Ibid. P. IV. c. 2. § 5. F.

in their spiritual exercises, confessions and preaching.¹ During the time of this visitation they are comfortably billeted upon the establishments, and are wholly chargeable to them. The length of their convenient and unlimited sojourn is regulated by the will of the General and the general good. Thus the Professed members have only to declare the value of their services to a particular college, and they may be sent there immediately to enjoy the revenues which they are empowered to administer but not to use. Or when they have grown old in the society and are no longer capable of employment, the General may charge the colleges with the expense of their maintenance.² This they call living upon alms in the houses of the society when they are not employed in any mission;³ and it is for this purpose, among others, that they are empowered to receive endowments and bequests.

In order that these poor professed (or professedly poor) may *seem* to be poorer still, they are declared to be incapable of inheritance; and the colleges or houses cannot inherit for them.⁴ That every *outward* sign of avarice may be avoided, the society will not suffer the Jesuits to receive remuneration for their services. Even a poor-box cannot be tolerated to receive the alms of those who assemble to their preaching, masses or confession.⁵ These imaginary paupers are contented to enjoy the riches which are seemingly amassed for another

¹ Const. P. VI. c. 2. § 3. C.

² Compendium Privilegiorum—verbo Professi.

³ Const. P. VI. c. 2. § 3.

⁴ Ibid. § 12.

⁵ Ibid. § 7 and 8.

purpose. But if a friendly benefactor, moved by an overpowering affection for the Order, *will* bestow alms and oblations upon a church or house, whether for spiritual assistance received or not, it would be *un-constitutional* in the Society to refuse them. It only provides with prudent precaution that the reception of the gift shall not be misconstrued into an acceptance of stipendiary remuneration.¹

Although the houses and churches of the professed society may not hold revenues and possessions of their own, yet they may be amply provided with every thing that is necessary or very convenient.² Agreeable residences may be retained in the country for the use of the convalescent, whither the spiritually-minded Jesuits may retire from the busy crowd of men to a separate habitation, there to enjoy the advantage of a purer air and other nameless comforts.³ But these residences may not be let, and their fruits must be reserved for home consumption. The corn and wine and oil which they produce may not be sold for money, lest the conscientious proprietors be charged with converting the rental or profit into a revenue.⁴ A *little* latitude, however, is allowed to the rectors of colleges in favour of those who are sent to them from the houses by order of the supreme authority. "*Res minimæ ducuntur pro nihilo.*" It is not therefore held to be an encroachment upon the generous spirit of the Constitutions, to suffer the healthy or infirm members of the Society to take a

¹ Const. P. VI. c. 2. G.

² Ibid. § 5.

³ Ibid.

⁴ Ibid. and F.

little recreation in the college garden, provided only that they be not fed at the charge (*quod exiguum sit*) of the bountiful company of Collegians.¹

When the time and exercises of probation have been passed, the General (or his commissioned representative) proceeds to admit the candidate to profession. After mass² has been publicly celebrated in the church, the "*locum tenens*" turns to him with the holy sacrament of the eucharist as a signal to commence the recitation of his written vow, which it is necessary that he should have maturely considered during several preceding days.³ When it is concluded, the professed Jesuit receives the

¹ Const. P. VI. c. 2. § 3. D. with P. IV. c. 2. § 5. F.

² Although the observance of these rites may be desirable, yet it is not indispensable; for the General may appoint any one who is not a priest, or incapable of celebrating mass, to receive the profession in his stead.—*Ibid.* P. V. c. 3. § 2. A.

³ The vow of the Professed is in the following form:—"Ego N. Professionem facio, et promitto Omnipotenti Deo coram ejus Virgine Matre et universâ cœlesti curiâ, ac omâibus circumstantibus, et tibi Patri Reverendo N. Præposito Generali Societatis Jesu, *locum Dei tenenti*, et successoribus tuis; * vel tibi Reverendo Patri Vice Præpositi Generalis Societatis Jesu, et successorum ejus *locum Dei tenenti*; perpetuam Paupertatem, Castitatem et Obedientiam; et secundum eam, peculiarem curam circa puerorum eruditionem, juxta formam vivendi in literis Apostolicis Societatis Jesu, et in ejus Constitutionibus contentam. Insuper promitto specialem obedientiam summo Pontifici circa missiones; prout in eisdem literis Apostolicis et Constitutionibus continetur.—Romæ, vel alibi, tali die, mense, et anno, et in tali Ecclesiâ."—*Const.* P. V. c. 3. § 3.

* "Qui etiam *Divinæ Majestatis loco* ipsi præsumunt."—*Const.* P. VII. c. 1. § 1.

sacrament; and his name is then inscribed in the register of the society, together with that of the presiding superior, and the date of his profession.

It should seem that the professed fraternity were obliged by the fourth vow to execute every mission which the Pope might be pleased to impose upon them. But by a solemn evasion, the will of the Sovereign Pontiff must yield to the mandate of the Monarch of the Jesuits. Special obedience to the Apostolic See is only promised "*prout in Constitutionibus continetur.*"¹ And the Constitutions invest the General with plenary power over every mission.² He may send forth his subjects at any time and to any place, whether they are professed or not. By the same power he may recal them at his pleasure, whether their commission were given from himself or from Rome.³ Unless the period for the employment of their services be specially defined, it is usually understood to extend to about three months, more or less according to their apparent or expected success.⁴ But all these things are determined by the will of the superior. If therefore an incautious Pope should send forth a Jesuit missionary without prescribing the duration of his absence, the General can entirely frustrate his intention. He may suffer his obedient subject to depart a few paces, and then he may recal him instantly.⁵ In this evasion of the fourth vow there is, of course, neither perjury nor deceit; for the General himself is

¹ Const. P. V. c. 3. § 3.

² Ibid. P. IX. c. 3. § 9.

³ Ibid. G.

⁴ Const. P. VII. c. I. § 6.

⁵ Ibid. P. IX. c. 3. G.

the representative of the Divine Majesty, and the author of the deception cannot be himself deceived. And all this is achieved *ad maiorem Dei gloriam !!!*

The semblance of poverty which the Constitutions impose upon the professed, although easily evaded in the spirit, must be strictly preserved in the letter. To receive possessions for other uses than those which appertain to the Colleges and Houses of Probation, would be an offensive relaxation in favour of revenue.¹ After profession therefore a solemn promise is required of the newly admitted, that they will never consent to any innovation² upon the Constitutions which enjoin poverty, either individually, or by their suffrages in a convened assembly of the society. They appear in their disinterestedness to be poor, and poor in the general estimation they must continue to appear, by a perpetual decree which can never change. Yet if a founder *will* bequeath revenues for the use of a house, it is not inconsistent with the laws of poverty to receive them,³ provided that the society be not responsible for the disposal of them, nor drawn into the defence of any suit, except by their proctor, *cui tale munus commissum est*.⁴ How admirably are the Declarations contrived to help the Constitutions out of their difficulties!

The Jesuits of the professed society can never be appointed rectors of colleges, except in cases of the greatest

¹ Const. P. VI. c. 2. § 1. A.

² Ibid. P. VI. c. 2. § 1. and A.

³ "Non esset id a Paupertate Societatis alienum."—*Ibid.* P. VI. c. 2. § 2. B.

⁴ *Ibid.*

expediency.¹ To them alone the privilege is confined of voting in a congregation of the society, convened for the election of a General.² And the General in his turn retains a reciprocal power over his professed supporters; for he may dismiss them from the society, seemingly it is true with difficulty and reluctance,³ but still with absolute and arbitrary decision. He may sometimes even do it by commission when the distant and criminal Jesuit is beyond the reach of his personal authority, and when his incorrigible sin is of great and adequate moment.⁴

In addition to the chosen few who have taken the four vows and are admitted to the privy councils of the society, there are Jesuits who are sometimes allowed, for good and special reasons, to make the solemn profession of the three vows only.⁵ These are men endued with less excellent gifts than those which the Institute requires in the professed, less skilled in learning and less expert in preaching. But still when their compensating talents are rare and good they are permitted after seven years of trial to enlist in the spiritual army, and their superior officers will provide them with work suited to their several capacities.⁶

¹ Const. P. VI. c. 2. § 3.

² Ibid. P. VIII. c. 3. A.

³ Ibid. P. II. c. 1. § 1. A.

⁴ Ibid. P. II. c. 1. § 2. C.

⁵ Ibid. P. V. c. 2. § 3.

⁶ Ibid. P. V. c. 2. § 2. C.

V. OFFICE OF THE GENERAL.

As the councils of state are held and directed by the reigning monarch who presides with his ministers for the public good, so do the Constitutions of the society of Jesuits invest a sovereign ruler with the administration of their government and laws. One man is chosen from among them to be the General of their militant order, to govern, preserve and increase the body of the society.¹ He is elected in congregation by the provincials and professed for the whole term of his life. Several reasons are assigned for this duration of his office.² When he has reached the exalted pinnacle of his ambition he is less likely to be influenced by higher aspirations than if the appointment were only for a limited time. It is also more easy to find *one* person than many, qualified for the arduous duties of the monarchy. A third reason is derived from the utility of profiting constantly by the examples of men of higher rank, by those of popes and bishops in ecclesiastical matters, and in temporal affairs by those of princes and rulers.³

The first of the gifts with which the Constitutions deem it desirable that the General should be endued, is an intimate *alliance*⁴ and *familiarity* with his Maker, both in word and deed; that abundant grace may flow from him,

¹ Const. P. IX. c. 1. § 1

² Ibid. A. &c.

³ Ibid. A.

⁴ "Inter dotes varias quibus ornari Præpositum Generalem optandum est, omnium prima hæc erit: ut cum Deo ac Domino nostro quam maximè conjunctus et familiaris, tam in oratione, quam in omnibus suis actionibus sit."—Const. P. IX. c. 2. § 1.

as from a fountain of all goodness, through the whole system of the society. He must be distinguished by the purity of his example and the lustre of his charity, towards all men generally, but especially towards those of the society.¹ His genuine humility must procure for him the love of God and his creatures. His inordinate affections must be mortified and subdued, that his judgment may be calm and his demeanour composed.² He must learn to blend severity and justice with mildness and gentleness.³ Magnanimity and patience are indispensable to bear with the infirmity of others, that he may neither yield to the importunities of the great, nor submit when he is threatened by the strong; but that he may prevail in every trial, without elation in prosperity or dejection in adversity, and be prepared to suffer unto death if the good of the society should require it.⁴ He must excel in brilliancy of intellect and clearness of judgment: and although learning may be very necessary in the chief of so many learned men, yet prudence and skill in inward spiritual things are much more essential.⁵ It is reckoned to be of special importance that he should be discreet in his outward dealings with men of every diversity of disposition and principle, whether he acts with them in behalf of the society or not.⁶ Vigilance and solicitude must be displayed in every work which he undertakes, with sufficient energy to prosecute it to

¹ Const. P. IX. c. 2. § 2.

² Ibid. § 3.

³ Ibid. § 4.

⁴ Ibid. § 5.

⁵ Ibid. IX. c. 2. § 6.

⁶ Ibid. § 6.

its completion.¹ Sound in body and comely in person, he must neither be very old, lest he be unfit for the careful labours of his office, nor very young, lest he fail to command with authority and experience.² Nobility, riches and honour are recited among his *desirable* qualifications; and although the possession of them may not be of paramount importance, yet, when estimated in addition to the other excellent gifts, they would influence the election in his favour.³

The General has all power and superintendence over the houses and colleges of the society, to admit or to expel⁴ as many as are suited or unfit for the varying designs of the Institute, whether they be novices or professed, coadjutors or scholars. He appoints rectors to overlook the administration of the temporal interests of the colleges, and he removes them at his pleasure.⁵ They are obliged to account to him, or to his deputed provincial, for the fulfilment of the duties of their office.⁶ He has authority to contract in purchase and in sale for the benefit of the houses and colleges of the society; only he can never alienate or dissolve them when they are already established, without the consent of a general congregation.⁷ He may dispose of indefinite bequests

¹ Const. P. IX. c. 2. § 7.

² Ibid. § 8. and B.

³ "Externa censentur, nobilitas, divitiæ, quas in sæculo habuit, honor et similia. Et horum, cæteris paribus, aliqua ratio est habenda: alia tamen majoris momenti sunt, quæ, quamvis hæc desint, ad Electionem possint sufficere."—Const. P. IX. c. 2. C

⁴ Ibid. P. IX. c. 3. § 1.

⁵ Ibid. § 3.

⁶ Ibid. § 4. C.

⁷ Ibid. § 5, 18.

at his pleasure. If a testator should fail to name a particular college to which he would wish to annex his estates or to bequeath his property, the General may apply them at his discretion.¹ He may either sell, or retain, or apportion them at will. And this power he may impart by measure to provincials, local superiors, and rectors: or he may combine with the last of them to *change the purpose* of a testator's will, provided it can be managed without offending the executors who are charged with the payment of the bequest.²

It is the duty of the General to enforce, and his privilege to dispense with the observance of the Constitutions of the society. He may either exercise this power personally, or in urgent cases by commission; but regard must universally be had to person, and time, and place and other circumstances. In using this licence, his prudence, the direct communication of the eternal³ light, must guide him in all his steps. This dispensing faculty extends not only to the abridgment or unlimited prolongation of the time and exercises of probation, but also to the unrestricted interpretation of the intentions⁴

¹ Const. P. IX. c. 3. § 6, 7.

² "Possunt omnes nostri Præpositi ac Rectores commutare, ex uno usu ad alium necessarium legata, quæ relinquuntur nostris Collegiis vel Domibus, dummodo id fiat sine scandalo eorum, ad quos solutio talium legatorum pertinet (Sixtus IV.) quam concessionem ampliavit Leo X. in rebus donatis per viventes, si tamen, ut dictum est, non sequatur scandalum prædictorum."—*Compend. Privileg. verbo* Commutatio, § 4.

³ "Quam lux æterna communicaverit."—*Const. P. IX. c. 3. § 8.*

⁴ "Idque, tam de experimentis eorum qui in Probationibus versantur, quam de aliis rebus in quibus eam fuisse mentem

of those by whom the Constitutions were originally framed. And hence arises the mutability of the Institute.

The power of the General in every mission, whether the subjects of the Jesuitical monarchy are sent forth by himself, or whether their services are required by the Papal mandate, has already been briefly described. When once the nature of the work is named, the submissive and obedient Jesuit is compelled to receive his mission with cheerfulness of mind, as from the hand of the Lord; and he must depart to execute it without a murmur.¹

It is always for the General to determine whether any business which remains for transaction is of sufficient importance to require a general or provincial congregation of the society. The convention of the qualified council rests entirely with himself—excepting, of course, when an election to the supreme authority is the object of the solemn assembly.² Besides appointing rectors to the colleges and universities the General selects a number of his more able men to place them as local superiors over the different houses of the society. He makes provincials also, and appoints them to the superintendence of particular districts. Their office is commonly triennial. Yet if they should greatly please their sovereign ruler, he may permit them to continue

eorum qui Constitutiones condiderunt, ad gloriam Dei ac Domini nostri judicabitur, dictum sit.”—*Const.* P. IX. c. 3. § 8. D. and E.

¹ “Semper autem erit subditi, missionem suam, ut de manu Domini, hilari animo suscipere.”—*Const.* P. VII. c. 2. C.

² *Const.* P. VIII. c. 2. C. and P. IX. c. 3. § 12.

in it unmolested for a longer time: but if not, if they should appear but little qualified for their extensive duties, they may quietly withdraw themselves without remark; or else, for a sufficient cause, he may remove them before the expiration of their term.¹ They are obliged to render to him an account of all their transactions, over which he still remains omnipotent; for when he has imparted his authority by measure to provincials, superiors or rectors, he can rescind or ratify all that he has commissioned them to execute.²

There are other offices essential to the government, of which the General retains the patronage. He appoints a proctor-general to reside at Rome; he names a secretary to transact for him the common business of the society. In conferring these preferments, he may ask the advice of men of judgment without the necessity of taking it; for still the decision is absolutely vested in himself.³ He must by all means become acquainted with the consciences of those who have sworn to obey him, especially of provincials⁴ and others, who have been made partakers of the more important communications of his power. Whether they be superiors, visitors or commissaries who exert themselves under his authority for the public good, he may cancel or confirm their benevolent determinations; for it is always provided that implicit reverence and obedience shall be shewn to

¹ Const. P. IX. c. 3. § 14. I.

² Ibid. § 4, 15.

³ Ibid. § 16. K.

⁴ Ibid. § 19.

him, as unto the Pope of the society "*qui Christi vices gerit.*"¹

The society retains a small measure of provisional restraint over the vast authority of this powerful ruler. The provincials, who are appointed by the General himself, are constituted overseers in all things which appertain unto him, for the protection of the public good.² Four assistants are chosen by the society to be near his person, discreet and zealous men, taken (if it conveniently may be) from among the select professed.³ They are elected at the same congregation with the General himself; and it is their duty to advise and act for him principally in the former three of the six following provisions:⁴

1. In reference to a proper supply of food and raiment and personal expenditure, which may be increased or diminished at the injunction of the society. With such a decision the General must comply.⁵

2. That his personal exertions be restrained within reasonable bounds, lest he occupy himself in toils above measure. In this also he must defer to the judgment of the society.⁶

3. The third has reference to the guidance of his mind. It is essential that there should be one man near to a personage of such extensive trust, who, after having approached the Lord of heaven in prayer, may venture

¹ Const. P. IX. c. 3. § 20.

² Ibid. c. 5. § 1.

³ Ibid. c. 5. § 2. and A.

⁴ Ibid. § 2, 3.

⁵ Ibid. c. 4. § 2.

⁶ Ibid. c. 4. § 3.

to approach "*the Lord of Lords*,"¹ the representative of the Divinity upon earth, in the person of the monarch of the Jesuits, and with becoming diffidence and humility to tell him what he thinks is wanting in the worthy governor himself, *ad majorem Dei gloriam*. And this he must do, whether he be confessor to the General, or simply appointed by the society as an apt admonitor in an affair of such vast concern.²

4. The fourth prohibits the acceptance of any proffered dignity, without the consent of the society—unless obedience to the Apostolic See oblige him to comply, when the refusal would be a positive sin.³

5. The fifth provides a remedy for carelessness, inutility or neglect, in things pertaining to the General's office.⁴ Very great age, or continued sickness with little hope of recovery, are reckoned to be greatly injurious to the public good; and in such cases a coadjutor or vicar must be chosen to exercise the functions of the sovereign power, but without the ruler's name.⁵ He may either be appointed by the General himself, subject to the approval of the provincials, or he may be elected to the government by a majority of votes, if approved by two superiors or rectors in any province; and he then receives such a measure of authority as the General, or the society (if chosen by suffrage) may think proper to impart.⁶

¹ See Note 1, p. 54.

² Const. P. IX. c. 4. § 4.

³ Ibid. § 5. and c. 5. § 6.

⁴ Ibid. c. 5. § 6.

⁵ Ibid. c. 4. § 6. and c. 5. § 6.

⁶ Ibid. c. 4. § 6.

6. The sixth anticipates the commission of certain deadly sins, which the Constitutions do firmly trust can never occur in the image of unblemished purity which they have set up. They are thus enumerated. 1. Copula carnalis. 2. Wounding with weapons. 3. Embezzling the college revenues for private expenditure, or for the use of any one who is not of the society. 4. Alienating the property of houses and colleges; and, 5. Maintaining unsound doctrine.¹ For all or any of these things the society, upon full proof given, may and must deprive him of his office: the assistants are bound to accuse him upon oath, and, if occasion require, he must be altogether removed.² If a General should chance to offend in any of these particulars, the proceedings of the society against him are very concise. The affair must be kept as secret as possible.³ But when it is divulged, if the assistants fail to convene a congregation, the provincials must issue the summons. At the time and place of meeting the accusation is distinctly set forth against him. When the subjects who have vowed all holy obedience to their arraigned monarch have vouchsafed to hear him in his defence, he is reverently turned forth without the door. Then the oldest of the present provincials, with the secretary and another assistant, proceed to a solemn investigation of the charge. If the crime be proved they decide whether the enormity of it is sufficient to deserve privation. The suffrages are then collected and the condemning

¹ Const. P. IX. c. 4. § 7.

² Ibid. c. 5. § 4.

³ Ibid. c. 5. B.

number must exceed two-thirds of the whole assembly. Then a new election to the vacant seat of government must immediately commence, and be completed, if possible, before the congregation is dissolved, in order that the society may not remain without a General. If this cannot be done, the decision must be made on the following day, or at the earliest possible opportunity.¹

If the offence do not amount to privation a *Council of Four* must be appointed, to consider and determine upon the measure of the correction to be administered, with power to increase their number in case their opinions should be divided.² If they do not proceed to dismissal other deliberations must be introduced, for which it may be made to appear that the society was convened; and as far as relates to the General, dissimulation must be resorted to, and his impeachment, if possible, be for ever concealed—the most solemn injunctions being imposed upon the assembled members never to divulge it. Should the decision be to depose him from his office, means must be privately employed to induce him to abdicate; that still his offence, and the penal nature of his removal, may be kept profoundly secret, and his disgrace be promulgated as a resignation.³ How beautiful are the upright

¹ Const. P. IX. c. 5. § 4.

² Ibid. c. 5. § 5.

³ Cum defectus ad depositionem sufficientes non deprehenderentur, aliis de rebus agatur propter quas convocata Societas videatur; et quod ad Præpositum attinet, dissimuletur: imò quoad ejus fieri poterit, nullo tempore divulgari debet. Et sic, cum convocantur, præmoneri, et post rem discussam seriò injungi consilia, et præsertim Provincialibus oportet, ne cui indicent. Et cum constitutum fuerit illum officio privare, tunc etiam cum Præposito Generali

judgments of the Institute, *ad majorem Dei gloriam!* But any public derogation of the character of an officer to whom it was the policy of the society to ascribe *divine* attributes,¹ would have been such a slur upon its reputation, and such an injury to its interests, that, in *its own* moral calculations, no sacrifice of truth or honesty was too great for the occasion.

VI. MISSIONS.

THE fourth vow, which, as has been before stated is peculiar to the professed, binds them to undertake missions either for the conversion of the heathen, or for the reclaiming of heretics, at the will of the Sovereign Pontiff. Alert and ready in their obedience they must be always prepared for the instant execution of the Papal mandate; and it is for this reason among others that their churches and houses are free from the *distracting* occupations of celebrating masses and improving souls.²

When a Pope requires the services of the society, the General may commend his willing and more appropriate agents to the notice of his Holiness, leaving him still

secretò agendum est, ut ipsemet officio se abdicet; ut hoc promulgari, et peccatum, ac officii propter peccatum privatio occultari possit."--*Const. P. IX. c. 5. § 5. C.*

¹ "Est (Generalis) *Dominus Dominantium*, et facit quod vult, nullis legibus adstrictus, undè mortificat et vivificat, deprimit et exaltat quem vult, ac si esset *Deus* qui liber esset omni perturbatione, et non posset errare."--*Memorial of the Jesuits of Spain and Portugal to Pope Clement VIII. in 1593*, to be found (among other places) in *Le Mercure Jésuite*, Vol. III. See *History of the Jesuits*, 8vo. 1816. Vol. II. p. 258.

² *Const. P. IV. c. 2. § 4.*

free to make his own election. For the Jesuit who desires to be appointed to one mission in preference to another, may not use his influence either directly or indirectly with the society resident about the General and Court at Rome, to procure for him a nomination to the work; but he must abide by his superior's representation of his talents to the Pope: and according as the latter shall decree so he must move.¹ If the Pope should decline to make a specific nomination, only requiring that missionaries may be sent to divers places, the choice of the appointment then devolves upon the General,² and he selects them according to his own judgment. They also receive from him a description of the nature and purpose of their several missions, with written instructions for their guidance.³ They must be made to comprehend the will and intention of the Pope, if not in writing, at least by verbal communication; and in failure of any limitation being assigned to the period of their absence it is usually understood to extend to about three months.⁴ But this must depend upon the success of their work, of which they are required to transmit frequent written communications.⁵

When a missionary is appointed to reside for a considerable time in the same place, it may become expedient that he should make little excursions into the neighbouring districts to mend the souls which should be mended,

¹ Const. P. VII. c. 1. § 2. C. and D.

² Ibid. § 4.

³ Ibid. § 5. and F.

⁴ Ibid. § 6.

⁵ Ibid. c. 2. H.

and then to return unto his own place. But all this must be done without neglecting the principal mission, carefully adhering to the intention and instructions of the Pope.¹ In those territories which are of vast extent (as in India,² or other provinces), the discreet ambassador is more especially admonished not to confine himself to the bounds which have been prescribed to him; but after reducing his inclination to indifference and offering a prayer, to run to and fro, as well among the faithful³ as the faithless, to do the work of his employers. It is thus that the Constitutions elevate the authority of the General above that of the Pope, by providing that he may over-rule, without rebelling against it; for they declare that he may order his subject missionaries to one district rather than another at the simple preference of his own will.⁴

Whenever a new Pontiff is raised to the chair of St. Peter, the General is obliged, either by himself or his representative, to renew before his Holiness within a year after his creation, the solemn promise and profession of the peculiar vow by which the society is bound to obey him in all his missions.⁵

In addition to these there are other separate missions which originate with the society alone, and for which the superiors are empowered to command the services of the professed.⁶ The time, the place and duties of the

¹ Const. P. VII. c. 1. § 7.

² Ibid. c. 3. § 1.

³ Ibid. c. 2. C.

⁴ Ibid. c. 2. § 1.

⁵ Ibid. c. 1. § 8.

⁶ Ibid. c. 2. § 1. and B.

mission must all be determined by the General; and the commissioned Jesuit must proceed with that passive obedience which the Constitutions compare to the movement of a lifeless carcase or a brandished staff.¹ Yet this does not prohibit the declaration of any rising thought upon the inexpediency of his appointment; provided only that the pliant subject wills and thinks in precise accordance with his superior, *qui cum Christi loco dirigit*.²

It is especially provided that one missionary shall never be sent forth alone, but that at least two³ shall be appointed to the same work, that they may mutually guide and assist each other with their counsel, and divide the labours of their harvest. Neither may any change be made in the detention or removal of a missionary without the consent of his superior.⁴ This is declared, to prohibit the interference of any Prince or State until the pleasure of the General shall have been ascertained.⁵

If upon trial it should be found that the missionaries do not conduct themselves with becoming obedience, they must either be recalled or joined by other companions⁶ who were not originally appointed with them to the labours of the mission. When it may become necessary to ordain their exchange or removal, it is enjoined that special care be taken not to give offence

¹ Const. P. VI. c. 1. § 1.

² Ibid. P. VII. c. 2. § 1.

³ Ibid. c. 2. F.

⁴ Ibid. c. 2. § 1. and K.

⁵ Ibid.

⁶ Ibid. P. VIII. c. 1. C.

to those who should by all means be preserved well affected, rather than disaffected, to the interests of the Institute.¹

As the devil² is always attempting the destruction of the Jesuitical polity, by directing his attacks against the strong bulwark of poverty, it is declared to be of extreme importance, for the perpetual preservation of the happy state of the society, that ambition, the parent of every ill, should be diligently repressed.³ Advancement to dignity or preferment in the society must neither be directly nor indirectly sought. All the professed are therefore required to vow before their Maker, that they will never seek such preferment; and they become incapable of holding it, if it can be proved that they attempted to procure it.⁴ They promise, moreover, that they will never seek to attain to any dignity or emolument *out* of the society, nor even consent to be appointed to it, provided their *obedience* does not *compel* them to acceptance.⁵ But if admission to prelacy should thus be forced upon them, (*and it is declared to be for many reasons desirable that they should vouchsafe to take the episcopal office*), the advice of the General, or of his substitute, must first be heard and followed. Still

¹ Const. P. VII. c. 2. H.

² *Dæmon enititur illud variis rationibus evertere.* — *Ibid.* P. X. § 5.

³ *Ibid.* P. X. § 6.

⁴ *Ibid.* § 6.

⁵ *Ibid.*

⁶ "Considerando, quam instanter, quamque multis rationibus curatum sit, ut aliqui de nostrâ Societate varios Episcopatus sumerent." — *Ibid.* P. X. A.

the provident society reserves to itself in particular cases the liberty of choosing between acceptance and rejection.

To preserve an unchanging amity among the members of the society, the good-will of strangers must be diligently cherished. Men in authority must be courted in proportion to the importance or insignificance of gaining their favourable notice. Yet it is *said* to be essential to refrain from adhering to either party in the feuds which may exist between Christian kings and princes; whilst an universal pliancy is observed which can easily adapt itself to every side, however contrary in profession. And chiefly it must be provided that the favour of the Apostolic See may be secured; next of secular princes, nobles and men of chief authority, whose support or opposition would greatly facilitate or impede the success of Jesuitical exertion. When men are not well affected to the society, especially if they should be of no mean authority, prayer must be made for them, and all convenient means should be devised to gain their friendship, or at least to avert their enmity.¹

¹ ".... curare ut amor et charitas omnium etiam externorum erga Societatem conservetur: sed eorum præsertim, quorum voluntas benè aut malè in nos affecta, multum habet momenti.... B. In primis conservetur benevolentia: Sedis Apostolicæ, cui peculiariter inservire debet Societas: deinde Principum sæcularium, et Magnatum, ac primariæ auctoritatis hominum..... Sic itidem, cum aliqui malè affecti esse intelligerentur, præcipuè si homines sint non vulgaris auctoritatis, orandum est pro eis, utendumque rationibus convenientibus, ut in amicitiam redeant, vel certè adversarii non sint."—*Const.* P. X. § 13. and B.

CHAPTER III.

PRINCIPLES OF JESUITISM.

FROM the sketch of the Jesuitical Institute given in the last chapter, it appears that, strictly speaking, the General is, what he is indeed designated, the *soul* of the society: but still, in a larger sense of that descriptive term, the professed members, acting under his superintendence, may be considered as included in it. They were the casuists of the Order. Their hours of retirement were occupied in brooding over its principles; in extending the sphere of their operation by further subtilties and refinements; and in composing digests and manuals to facilitate their application.

It is to the literary labours, therefore, of these casuists, that reference must be made for a complete developement of the Jesuitical system; and as this most important service has been already performed, under the highest authority, and by a judicial assembly above all suspicion of garbling evidence, whose researches are so elaborate that the allegations are redundant to a great degree, the road to knowledge is of easy access. The volumes ¹ in

¹ There are two editions of the *Extraits des Assertions*: the one in a single quarto volume, the other in 4 vols. 12mo. both printed at Paris, in 1762. The references in this chapter are to the latter.

question exhibit Jesuitism to the life; and all that is necessary to enable the general reader to become acquainted with it, and with the influence which it must have on the best interests of every community in which it obtains even connivance, is to select from the aforesaid volumes some of the accumulated citations, and to present them in an English translation. These will form the subject of the present chapter; as an introduction to which, and with the view of establishing the public character of the documents produced, a few of the society's identifications of itself in opinion and doctrine with all its individual members, are prefixed.

UNITY OF OPINION AND DOCTRINE.

Imago Primi Sæculi Societatis Jesu. Antuerpiæ, 1640.

The members of the society are dispersed through every corner of the world, distinguished by as many nations and kingdoms as the earth has intersections; but this is a division arising from diversity of place, not of opinion; a difference of language, not of affection; a dissimilarity of countenance, not of morals. In this association, the Latin thinks with the Greek, the Portuguese with the Brazilian, the Irishman with the Sarmatian, the Englishman with the Belgian; and among so many different dispositions there is no strife, no contention; *nothing which affords opportunity of discovering that they are more than one* The place of their nativity affords them no personal advantage The same design, the same manner of life, the same uniting vow combines them The pleasure of a single

individual can cause the whole society to turn and return, and determine the revolution of this numerous body *which is easily moved but with difficulty shaken.*—(*Proleg. p. 33, and Lib. 5. p. 622.*)

LE MOYNE.

Remonstrance to the Bishop of Auxerre. By Father Le Moyne, of the Society of Jesus. 1726.

Thanks to the Divine Goodness, the spirit which animated the earlier Jesuits still survives among us; and by the same mercy we hope that it will never be lost. It is not a slight testimony in our favour that in these troublous times not one among us has changed or wavered. *Uniformity on this point will always remain the same.* If we are not suffered to labour in one place we will attempt it in another, for we will not continue idle. France is sufficiently extensive to provide employment for us, and it is abundantly supplied with excellent bishops who will not despise our services.

JAMES GRETSER.

Opera Omnia, Tom. XI. Defensio Societatis Jesu.
Ratisbonæ, 1738.

It is not from obscure descriptions that an opinion of the doctrine of the Jesuits can be formed, *but from their books*, which (by the blessing of God) are already very numerous.—(*Vol. XI. Pref.*)

It is from the books of our theologians that the reader will easily judge whether our doctrine is con-

formed to the doctrine of Jesus Christ.—(*Ibid. Refut. cap. i. E.*)

There are many theological works written by the doctors of the society. We profess the same doctrine in a vast number of places, both privately and publicly in the schools. If at any time the milder opinion be preferred it is with such excellent reason and authority that it may be safely followed, as well in theory as in practice.—(*Apol. Lib. I. p. 957.*)

DANIEL.

Recueil de Divers Ouvrages. Paris, 1724.

A better opinion cannot be formed of the character of a body, especially such as that of the Jesuits of which the government is monarchical, than by consulting the decrees of its rulers and the laws given by the general assemblies composed of the superiors and principal members of the society.—(*Vol II. Second Letter to Father Serry, p. 389.*)

Congreg. V. Decret. 50. n. 2.

The Constitutions ordain three things. The first, that our members do not introduce new opinions. The second, that if at any time they should hold an opinion contrary to that which is commonly received, they shall adhere to the decision of the society. The third, that in controverted questions in which either opinion is far from being common, they restrict themselves to conformity; that thus we may all hold the same doctrine and the same language, according to the apostle.

SECTION I.

PROBABLE OPINIONS.

Probability is a doctrine according to which, in the concurrence of two opinions, of which the one is more probable and in conformity with the law, the other less probable but favouring concupiscence, it is lawful to follow the latter in practice.—(*Extraits des Assertions*, Tom. I. p. 27, *Note*.)

The authoritative illustrations of this fundamental dogma of Jesuitical casuistry are subjoined, and have been taken out of their chronological order, to bring the society's definitions of its doctrine into one point of view.

VALERIUS REGINALD.

Praxis fori pœnitentialis. Lugduni, 1620.

(Collated with the edition of 1622 in the Library at Sion College.)¹

That opinion is considered probable which is supported by high authority, or by an argument of considerable weight. By a *high* authority . . . we are to understand the authority of those doctors, who, in their other opinions upon moral things are often found to reach the truth and seldom to err from it.—(*Tom. I. Lib. 13. c. 10. n. 90.*)

¹ In the several instances in which other editions are thus introduced, the original extracts have been collated with the approved works of the writers of the society in the library at Sion College, at the British Museum, at Lambeth Palace, or at one of the Universities.

VINCENT FILLIUCIUS.

*Moralium Quæstionum de Christianis Officiis et Casibus
Conscientiæ, ad formam cursûs qui prælegi solet in Coll.
Rom. Soc. Jes. Tomus Secundus.* Lugduni, 1633.

(Collated with the edition of 1625 at Sion College.)

The authority of one good and learned doctor renders an opinion probable; because his authority is not a slight foundation.¹

GEORGE DE RHODES.

*Georgii de Rhodes à Societate Jesu, Disputationum Theologiæ
Scholasticæ, Tomus Prior.* Lugduni, 1671.

It is sufficient to render an opinion probable, that some pious doctor of great celebrity, especially among the moderns, maintain it, provided that the other conditions which are necessary to constitute a probable opinion be not wanting. . . .

That any opinion may become probable, a single good reason is sufficient; *but the authority of any one doctor, of great reputation and piety, is a good reason.* Therefore the authority of *one doctor* may be sufficient for a probable opinion. . . . That any opinion may be probable, it is sufficient to possess a reason which may *seem* to be good, or *the authority of a good doctor,*

¹ "Infertur *unius Doctoris* probi et docti auctoritatem, opinionem reddere probabilem, quia non leve fundamentum est ejus auctoritas."—*Tom. II. Tr. 21. c. 4. de Conscientiâ, n. 134.*

which is equivalent to a reason, especially, since he ought also to possess some reason.¹

An argument may be drawn from human transactions, in which men are usually and *prudently* governed by the advice of one man: one physician, for instance, is consulted for the preservation of the health—one lawyer, in defence of the rights of a family—one architect, in building a house: one confessor, in the government of the conscience. *Therefore there is proof that the authority of one good doctor is a sufficient reason on which to ground the probability of any opinion, so that every one may safely follow it.*²

HONORATUS FABRI.

Honorati Fabri, Societatis Jesu, Apologeticus doctrinæ moralis ejusdem Societatis. Lugduni, 1670.

(The edition of 1672 is in Sion College Library.)

DIALOGUE ON A PROBABLE OPINION.

Antimus and Pithanophilus

Ant. A *probable* opinion is not opposed to a *false* opinion, since it may itself be false; but it is opposed

¹ "Ut aliqua opinio sit mihi probabilis, sufficit mihi ratio, quæ mihi videatur bona, vel autoritas Doctoris boni, quæ rationi *equivaleat*, præsertim, cum etiam ille rationem aliquam habere debeat."—*De Actibus Humanis, Tom. I. Disp. 2. Quæst. 2. Sect. 3. §. 1.*

² "Ergo signum est, quod autoritas boni alicujus Doctoris est ratio sufficiens ad fundandam probabilitatem alicujus opinionis, quam tutò sequi quisque valeat."—*Ibid. Sect. 3. §. 1.*

to an *improbable* opinion. If, therefore, a probable opinion be rightly admitted in the doctrine of morals, why should not a false opinion be also admitted, which in reality is probable, but of which the fallacy is nevertheless unknown? (*Dial. I.*)

Whatsoever is truly probable in the doctrine of morals, must be submitted to the judgment of a learned man; and whosoever acts according to that which he thinks to be truly probable, is accounted to act discreetly. (*Ibid.*)

Ant. There are *two* kinds of probable propositions; the one consisting of those which are *certainly probable*, the other, of those which are *probably probable*.¹

Ant. The authority of *one doctor* of very considerable celebrity, is of far greater importance than that of many, as I have said, who possess more moderate learning and ability. . . . (*Ibid.*)

Ant. When any one acts prudently, he acts well: if, therefore, any one acts prudently according to a particular opinion, he acts well, and lawfully uses that opinion; that is, reduces it to practice and experience. But he acts prudently upon a moral opinion who is certain that it is probable: and this, in my opinion, no one will deny. For if it is certain that it is probable, it is also certain that it is safe; that is, *that the use of it is safe, and the practice lawful*.²

¹ " Duplex est propositionum probabilium genus; aliud certè probabilium, aliud probabiliter probabilium."—*Dial. I. n. 23.*

² "Si enim certum est esse probabilem, certum est eandem tutam esse, id est, *usum illius tutum, et licitam praxim*."—*Dial. I. n. 53.*

JOHN MARIN.

Theologiæ Speculativæ et Moralis, Tomus III. Venetiis, 1720.

In practice, *prudently* and *probably* are synonymous. He, therefore, who forms a *probable* judgment upon the probability of an opinion, forms a *prudent* judgment. But we may lawfully act with a *prudent* judgment. Therefore, if Suarez should say that any opinion was probable, although Vasquez should say that it was not probable, I would not venture to assert that the opinion was not truly probable, as to a lawful use. And he who receives advice, only derives from it an opinion which is *probably probable*; and if a *probably probable* opinion should induce a doubt, a *certainly probable* opinion would induce it also.¹

DANIEL.

Recueil de divers Ouvrages. Paris, 1724.

(In the Library of the British Museum.)

To return to the Christians of the earliest ages. In reflecting upon the manner in which they then conducted themselves, it appears to me that men were never more governed by probable opinions, and that the maxim was never more followed which teaches, that the opinion of *one doctor* reputed for his goodness and wisdom may direct the conscience. When a Bishop, a Priest, or a Deacon, had gained the esteem of the people,

¹ "Et qui accipit consilium, ex hoc solùm habet opinionem probabiliter probabilem; et si opinio probabiliter probabilis afferet dubitationem, etiam afferet certò probabilis,"—*Tom. III. Tr. 23. Disp. 9. Sect. 7. n. 105.*

his sentiments and his opinions were oracles which they blindly followed, in matters on which the Scripture and the Councils had not decided. . . . How can it be maintained after this, *that there is no vestige of the doctrine of probability in the Scriptures*, in the holy Fathers, or in the practice of the first ages of the Church?¹

HENRY HENRIQUEZ.

Summæ Theologiæ Moralis, Tomus I. Venetiis, 1600.

(The Sion College Edition.)

A scrupulous man continues safe if he prefers against his scruples that which he considers probable, although he may think that another opinion is more probable. And the confessor should conform himself *against his own opinion* to that of the penitent, by which he is excused from sin before God.²

¹ "Pour revenir aux Chrétiens des premiers siècles; en réfléchissant sur la manière dont on se conduisoit alors, *il me paroît qu'on ne s'est jamais plus gouverné par les opinions probables*, et que jamais on n'a plus pratiqué la maxime qui enseigne qu'on peut suivre en conscience l'opinion d'un docteur estimé homme de bien et sçavant. Qu'un Evêque, qu'un Prêtre, qu'un Diacre se fut acquis l'estime du peuple, *ses sentimens, ses opinions étoient des oracles que l'on suivoit aveuglément*, dans les matières que l'Ecriture et les Conciles n'avoient point décidées. . . . Comment soutenir après cela, *qu'il n'y a nul vestige de la probabilité dans l'Ecriture*, ni dans les Saints Pères, ni dans l'usage des premiers siècles de l'Eglise?"—*Entretien de Cleandre et d'Eudoxe sur les Lettres au Provincial*, Tom. I. du Recueil, p. 400.

² "Vir scrupulosus manet tutus, si contra scrupulos eligat quod

FRANCIS TOLET.

Instructio Sacerdotum. Romæ, 1601. Lugduni, 1630.
(Antverpiæ, 1603.)

(The Edition of 1603 is in Sion College Library.)

When opinions are divided, it may be maintained by some that a contract is legal, and by others that it is illegal. If it should happen that a confessor is of the opinion of those who maintain that it is illegal, and the penitent believes it to be legal, then the penitent may oblige the confessor to absolve him according to his own (the penitent's) opinion; and the confessor ought to do so, provided that the two opinions are probable, otherwise he ought not; and this often happens in many contracts upon which contrary probable opinions exist; either of which the confessor may follow with a safe conscience, although he may himself approve but of one of them.—(*Lib.* 3. *cap.* 20. *n.* 7.)

JOHN OF SALAS.

Disputationum R. P. Joannis de Salas, à Societate Jesu, in primam secundæ D. Thomæ, Tomus I. Barcinone, 1607.

(Collated with a copy of the same Edition in the Library at Lambeth Palace.)

The true opinion is, that it is not only lawful to follow the *more probable*, but *less safe* opinion; . . but judicat probabile, licet putet aliam esse probabiliorem opinionem. Et confessarius *contra propriam opinionem* conformare se debet opinioni pœnitentis, quâ ille à peccato coram Deo excusatur."—*Lib.* xiv. *de Irregul.* c. 3. *n.* 3.

also that the *less safe* may be followed when there is an *equality* of probability.—(*Tr. 8. Disp. unic. Sect. 5. n. 51.*)

I agree in the opinion of Henriquez, Vasquez, and Perez, who maintain that it is sufficient for an inexperienced and unlearned man to follow the opinion which *he thinks to be probable, because it is maintained by good men who are versed in the art; although that opinion may be neither the more safe, nor the more common, nor the more probable.*¹

(Sotus) thinks that it would be very troublesome to a penitent, if the priest, after having heard his confession, should send him back without absolution to confess himself again to another priest, if he could absolve him with a safe conscience, *against his own (the priest's) opinion: especially when another priest might not, perhaps, be readily found who would believe the opinion of the penitent to be probable.*²

It may be asked, whether a confessor may give advice to a penitent *in opposition to his own opinion*;—as, if he should think, in any case, that restitution ought to be made, whether he may advise that the opinion of others may be followed who maintain that it need not be made?—*I answer, that he lawfully may . . . because*

¹ “Homini imperito et illiterato satis esse, si sequatur opinionem quam ipse putat esse probabilem, quia docetur à probis et peritis in eâ arte; etiamsi illa nec sit magis tûta, nec magis communis, nec magis probabilis.”—*Tom. I. Tr. 8. Disp. unic. Sect. 7. n. 74.*

² “Quando fortasse non inveniretur facilè alius sacerdos, qui opinionem penitentis probabilem esse censeret.”—*Ibid. Sect. 9. n. 83.*

he may follow the opinion of another in his own practice; and therefore he may advise another person to follow it. Still it is better, in giving advice, always to follow the more probable opinion to which a man is ever accustomed to adhere; *especially when the advice is given in writing, lest contradiction be discovered.*¹ It is also sometimes expedient to send the consulting person to another doctor or confessor, who is *known* to hold an opinion favourable to the enquirer, provided it be probable.

GREGORY OF VALENTIA.

Commentariorum Theologicorum, Tomus III. Lutetiae Parisiorum, 1609.

(The Edition of 1660 is at Sion College.)

Without respect of persons, may a judge, in order to favour his friend, decide according to any probable opinion, while the question of right remains undecided?

If the judge should think each opinion equally probable, for the sake of his friend he may *lawfully* pronounce sentence according to the opinion which is more favourable to the interest of that friend. He may, moreover, with the intent to serve his friend, *at one time judge according to one opinion, and at another time according to the contrary opinion, provided only that no scandal result from the decision.*²

¹ "Præsertim cùm quis consilium præbet in scriptis, ne vârius deprehendatur."—*Tom. I. Tr. 8. Disp. unic. Sec. 9. n. 84.*

² "Posset propter amicum, modò secundùm unam, modò secundùm alteram judicare, si tamen scandalum abesset."—*Tom. III. Disp. 5. Quæst. 7. Punct. 4.*

THOMAS SANCHEZ.

Opus Morale in præcepta Decalogi. Venetiis, 1614.

(The Sion College Edition is that of 1624.)

Although a man should find a particular difficulty to arise against an opposite opinion, which he cannot himself resolve, and which may appear to him to be incapable of solution, he ought not, on that account, to consider the opposite opinion of others to be *so improbable that he cannot follow it.*—(*Lib.* I. c. 9. n. 6.)

If a learned man may sometimes be excused because he follows his own peculiar opinion in opposition to that which is more commonly received; *much more should a similar decision be made in favour of an unlearned man.*—(*Ibid.* n. 10.)

An unbeliever, who is persuaded that his sect is probable, although the opposite sect may be more probable, would certainly be obliged, *at the point of death*, to embrace the true faith which he thinks to be the more probable. . . . But except under such circumstances *he would not.* . . . Add to this, that the mysteries of faith are so sublime, *and the Christian morals so repugnant to the laws of flesh and blood, that no greater probability whatever may be accounted sufficient to enforce the obligation of believing*¹.

¹ “Adde, mysteria fidei tam sublimia esse, ac Christianos mores adeò carnis et sanguinis legibus repugnare, ut non quævis major probabilitas sufficiens reputetur ad inducendam credendi obligationem.”—*Lib.* ii. c. 1. n. 6.

GILES DE CONINCK.

*Commentariorum ac Disputationum in universam Doctrinam
D. Thomæ, Tomi Duo. Lugduni, 1619.*

(Sion College Edition, 1616.)

An opinion may be the more probable or the more safe. For that opinion is always the more safe in practice, in which, whether it be true or false, sin cannot be perceived, although the opposite opinion may be by far the more probable. — (*Disp. 34, de Mut. Conjug. Obligat. Dub. 10, n. 83.*)

When the opinions of the doctors are divided upon any point, we may follow either opinion, *even the less safe, and the less probable*, provided it be truly probable. — (*Ibid. n. 84.*)

In a question of justice, when it is to be decided to whom any property belongs, in the doubt *the condition of the possessor is always the better.*¹

Some persons maintain that this principle only applies to a question of justice. But Father Sanchez and others think that it also extends to other virtues, *and their opinion is the better* . . . I doubt, for instance, whether I should have made a vow. I am, as yet, in possession of my liberty, and God is, as it were, the creditor, demanding the debt, and I am the debtor. In the doubt, mine is the better condition, and I must be considered free; neither am I bound to deprive myself of my

¹ "In materiâ justitiæ, quando agitur cujus res aliqua sit, in dubio semper meliorem esse conditionem possidentis." — *Disp. 34. Dub. 10. n. 85.*

liberty, until it appear that I have rightly lost it through the obligation of my vow.¹

A man is in doubt whether he may lawfully make a certain contract; and having read various authors for and against the permission, and fully considered their arguments, he still continues doubtful, or even rather inclines to the negative opinion. But if, from the reasons by which it is supported, or upon the authority of the doctors, he should determine the affirmative to be truly probable, he may certainly persuade himself that the contract in question is lawful in practice; *because he may lawfully follow a probable opinion, although it should be the less safe.*—(*Ibid.* n. 87.)

VALERIUS REGINALD.

Praxis Fori Pœnitentialis. Lugduni, 1620.

(Sion College Edition, 1622.)

In an action for and against which there are probable opinions, but the one opinion more probable than the other . . . it is not necessary to follow the safer part, provided the other be safe.—(*Tom.* I. *Lib.* xiii. c. 10. *Sect.* 1. n. 96.)

We are not forbidden to adhere to that which we

¹ "Dubito an aliquid voverim: sum adhuc in possessione meae libertatis, et Deus est quasi actor exigens debitum, ego reus: in dubio, mea melior est conditio, et absolvendus sum, nec teneor me meam libertate de facto spoliare, antequam constet me eam de jure amisisse per voti obligationem."—*Disp.* 34. *Dub.* 10. n. 86.

verily believe to be probable and safe, because the contrary may appear to be more probable and more safe.¹

He who, for strong reasons, verily persuades himself that a thing is lawful, contrary to the common opinion, may give his advice to an enquirer according to that common opinion, although he may consider the contrary opinion to be the more probable, and should think that the arguments which favour the common opinion may be completely refuted.—(*Ibid.* n. 97.)

A confessor may absolve a penitent who, of two probable opinions, chooses to maintain that which the confessor himself thinks the less probable, and will not acquiesce in the opposite and safer decision.—(*Ibid.*)

GABRIEL VASQUEZ.

Commentariorum ac Disputationum in primam Secundam Sancti Thomæ, Tom. I. Lugduni, 1620.

(The Sion College Edition, Antwerp, 1620.)

We must enquire whether a confessor not only may, but even must, absolve a penitent against his own (the confessor's) opinion, on account of the probable opinion of the penitent.... we mean to speak of those cases in which the opinion of the penitent, although probable, is still the less safe.—(*Disp.* 62. *Qu.* 19. *c.* 7. *art.* 6.)

If the confessor be the parish priest, or ordinary confessor of the penitent, he ought to absolve the peni-

¹ "Illud quod bonâ fide putamus probabile tutumque esse, non prohibemur amplecti, eo quod contrarium ipsius videatur probabilius et tutius."—*Tom. I. Lib. xiii. c. 10. Sect. 1. n. 96.*

tent whom he perceives to follow a probable opinion, whether it be in the refusal of restitution, or in doing any other thing which should seem, in the opinion of the confessor, to be sinful, but which the penitent himself thinks lawful.—(*Ibid.*)

John Medina adds this distinction. Although the opinion of the penitent should be prejudicial to another person, his ordinary confessor may and must, against his own opinion, grant absolution to the penitent who persists in his own probable opinion. He afterwards asserts, that a deputed confessor cannot, against his own opinion, absolve a penitent who persists in an opinion which is injurious to another.—(*Ibid.*)

I firmly believe the aforesaid distinction to be frivolous.—(*Ibid.*)

I highly approve the opinion of Angelus, Navarre, and Sotus, who absolutely declare, without distinction, that any confessor, whether ordinary or delegated, may absolve a penitent, contrary to his own opinion, whom he knows to follow a probable, but less safe opinion; whether it be to the injury of another or not. . . . And Sotus still adds, that the ordinary confessor not only *may*, but *must*, absolve such a penitent: which I consider to be so true, that I think the confessor not only may not refuse absolution to his penitent when he has heard his confession, but that if the penitent choose he *must* hear his confession, and grant him absolution. Indeed, I think the deputed confessor guilty of sin, if, after having once heard the confession of a penitent whom he perceives to be of a contrary opinion, he refuses him absolution, when, on every other account, he might properly absolve him. . . . (*Ibid.*)

Although a doctor who is consulted by an unlearned man, may tell him that the more common opinion is opposed to that which he follows himself, and which he proposes to him to follow; still the unlearned man may follow, in practice, the opinion of the doctor whom he has consulted.—(*Ibid.* c. 8.)

STEPHEN FAGUNDEZ.

Tractatus in Quinque Ecclesiæ Præcepta. Lugduni, 1626.

(The same Edition is at Sion College.)

It would be an insupportable burden to the consciences of men, and liable to many doubts, if we were compelled to follow and examine the more probable opinions; and therefore learned men and discreet confessors, *rejecting their own more probable opinion*, may guide the consciences of their penitents according to the opinion of the latter, which they consider probable.¹

The *secular judge*, not only in a *criminal*, but also in a *civil* cause, *rejecting his own more probable opinion*, may follow the opposite opinion, which he still thinks probable.—(*Ibid.* n. 5.)

¹ "Intolerabile esset onus conscientiarum, ac multis scrupulis expositum, si opiniones probabiliores sequi et investigare teneremur; et ideo viri docti ac confessarii prudentes possunt, *relictâ propriâ opinione probabiliori*, consulere conscientiis poenitentium juxta illorum opinionem, quam probabilem judicant."—*Præcept.* 2. Lib. iii. c. 4. n. 3

PAUL LAYMANN.

Theologia Moralis. Lutetiæ Parisiorum, 1627.

(A copy of the same Edition in Sion College Library.)

Of two contradictory probable opinions touching the legality or illegality of any human action, *every one may follow in practice, or in action, that which he should prefer*; although it may appear to the agent himself less probable in theory.¹

A doctor may give advice to a person who consults him, not only according to his own opinion, *but even after the opposite probable opinion of others*, if the latter should be preferable or more favourable to the enquirer although the same doctor should be certainly persuaded that the opinion were false in theory, so that he could not follow it himself in practice. . . . And hence it appears that *a learned man may give contrary advice to different persons, according to contrary probable opinions*; whilst he still preserves discretion and prudence.²

¹ "Ex duabus contradicentibus probabilibus opinionibus, quæ versantur circa actionem humanam, an ea licita sit, necne; *quisque in praxi, sive operatione, sequi potest quam maluerit*; etsi ipsi operanti speculativè minus probabilis videatur."—*Tr.* 1. c. 5. § 2. n. 7. *Assert.* 1.

² "Atque hinc existit, quod vir doctus, diversis, secundùm oppositas probabiles sententias, opposita consilia dare possit; servatâ tamen discretionem ac prudentiâ."—*Ibid.* n. 9.

FERDINAND DE CASTRO PALAO.

De Virtutibus et Vitiis Contrariis. Pars Prima. Lugduni,
1631.

(In the Bodleian Library at Oxford.)

You may not only lawfully act according to the probable opinion of others, rejecting your own which is more probable; but, in a case of great necessity, you are bound to conform to the opinion of others, which, under other circumstances would be less probable. For, by reason of that extreme necessity and danger, *the opinion which would otherwise have little or no probability, is rendered very probable and very safe.*¹

You believe that a judge examines you lawfully upon the crime of some great and honourable man of high importance to the state: still you are not fully assured of it, but you have some scruple and some doubt. *Then you may keep silence, and not answer him according to his meaning, deciding it to be probable in such a case that you may refrain from speaking . . .* For, in instances of this kind, a great necessity renders an opinion probable, which otherwise would not have been probable. . . .²

¹ "Quia ratione illius gravis necessitatis et periculi, opinio, aliàs parum vel nihil probabilitatis habens, redditur maximè probabilis et secura."--*Pars. I. Tr. 1. Disp. 2. punct. 2. n. 5.*

² "Poteris tunc tacere, neque ad sensum illius respondere, judicans in tali casu probabile esse, te posse tacere. . . . Quia in iis casibus gravis necessitas probabilem opinionem facit, quæ aliàs probabilis non esset."--*Tr. 1. Disp. 2. punct. 2. n. 5.*

Doctors or rectors are not compelled to inculcate the opinions which seem to them to be the more probable. . . . For those opinions are often the less generally received and approved, and might occasion scandal : and an irksome task would be imposed upon the masters, if they were compelled to read those things which should appear to them the more probable. . . . For, in consequence of such compulsion, they would have to examine thoroughly every argument on either side of a question ; and frequently the opinion which yesterday seemed to them to be the more probable, will to-day appear the less probable ; and they would be obliged to change their opinion daily in their writings. For which reason *it is sufficient if they teach the things which appear to them to be probable.*¹

There is no compulsion to follow the safer and more probable opinion . . . it is enough to follow one which is safe and probable : *for even in that which should seem the more probable and more safe, it is possible that error may occur.* When the probability of right is grounded upon the probability of an action, then I say, that from the probability of the action, the probability of right may be inferred. To illustrate this by an example. I think it probable that the cloak which I possess is my own ; yet I think it more probable that it belongs to you : *I am not bound to give it up to you, but I may*

¹ "Nam ex vi hujus obligationis deberent satis investigare rationes pro utrâque parte ; et sæpe opinio, quæ sibi probabilior heri apparuit, hodie minus probabilis apparebit ; cogerenturque quotidie mutare in scriptis sententiam. Quapropter, sufficit, si quæ sibi probabilia videntur, doceant." — *Tr.* 1. *Disp.* 2. *punct.* 3. n. 7.

safely retain it.¹ It is probable to an unbeliever that he holds the true religion, although the contrary may be the more probable: there does not seem to be any obligation that he should renounce his error. But since, at the point of death, there remains no longer time to examine the question, he is not on that account obliged to relinquish a safe way to follow one which is more safe; but only to examine the question with greater care, as far as the time will allow.—(*Ibid.* Tr. 4. *Disp.* 1. *punct.* 12. n. 14.)

VINCENT FILLIUCIUS.

*Moralium Questionum de Christianis Officiis et Casibus
Conscientiæ, ad formam cursûs qui prælegi solet in Coll.
Rom. Soc. Jes. Tomus II. Lugduni, 1633.*

(Collated with the Edition of 1625 at Sion College.)

1. It is lawful to follow the more probable opinion, *rejecting the less probable, although it may be the more safe.* An instance of this may be adduced in the man who doubts his right to retain with honesty any thing which he holds in his possession: the *more probable* opinion is, that he is *not bound* to restore it; yet it is *more safe* if he does restore it.²

¹ "Est mihi probabile, pallium quod possideo, esse meum; probabilius tamen judico esse tuum: non teneor tibi relinquere, sed possum securè possidere."—*Pars.* I. Tr. 4. *Disp.* 1. *punct.* 12. n. 14.

² "Dico primo, Licitum esse sequi opinionem probabiliorem, relicta minus probabili, etiamsi sit magis tuta. Exemplum esse

2. It is lawful to follow the *less probable* opinion, although it may be the *less safe*. It is sufficient for unlearned men to act rightly, *that they follow the opinion of a learned man*. Learned men may follow the *less probable and less safe opinion, rejecting the more probable and more safe*. The reason is, that a man acts prudently in believing in those who are experienced in the art, submitting himself to the judgment of the wise. *Neither is it necessary to be certain of acting rightly*; for then it would not be lawful to follow the more probable, but less safe opinion.¹

NICHOLAS BALDEL.

Disputationum ex Morali Theologiâ, Libri Quinque.
Lugduni, 1637.

(The copy in the Bodleian Library at Oxford.)

He does not sin who follows a probable opinion, *rejecting the more probable*, whether the latter be the opinion of others or of the agent himself, and whether the less probable opinion which he follows be the safer or the less safe.—(*Lib. iv. Disp. 12. n. 1.*)

potest in eo, qui dubitat de proprietate rei quam habet apud se cum possessione bonæ fidei: opinio enim *probabilior* asserit *non teneri*; *tutius* tamen est si restituat. . . .” *Tbm. II. Tr. 21. c. 4. de Conscientiâ, n. 126.*

¹ “Nec requiritur certitudo bene operandi, quia sic neque liceret sequi probabiliorem minus tutam.”—*Ibid. n. 128.*

(A confessor) may lawfully follow the probable opinion of his penitent, and reject his own.—(*Ibid. Disp. 13. n. 5, 6.*)

And this is true although the probable opinion which the penitent follows should be injurious to another, as, in withholding restitution. For although Adrian asserts, that a confessor is bound to advise his penitent to abandon his opinion, when it is prejudicial to another, yet it seems not to be said with reason; since the confessor, in the act of confession, is not bound to consider *the advantage of a third person*; and the penitent will not sin in following the probable opinion, even in withholding restitution.¹

NICHOLAS CAUSSIN.

Reponse au Libelle Intitulé, La Théologie Morale des Jésuites. Paris, 1644.

There are many points on which the doctors are divided in opinion; and if a confessor were permitted to believe only according to his own peculiar views and notions, and only to absolve according to his own doctrine, it would often happen that a penitent might be rejected by all the priests of a diocese, and be compelled to recount his sins as often as he might confess himself

¹ "Quamvis Adr. asserat, quod confessarius tenetur monere penitentem ut deponat suam opinionem, quando est in damnum alterius; id tamen non videtur dictum rationabiliter: cum confessarius non teneatur consulere, in actu confessionis, bono tertii; et penitens non peccet, sequendo opinionem probabilem, etiam de non restituendo."—*Ibid. Disp. 13. n. 5, 6.*

to different priests, until he should chance to meet with one *who preserves a reasonable moderation in his advice.*¹

JOHN MARTINON.

Disputationes Theologicae. Burdigalæ, 1646.

If a penitent should err only in the opinion of his confessor, and err perhaps unquestionably, but still pursue an opinion which is truly probable, *his confessor is not obliged to reprove him*: neither can he deprive him of the right which he possesses of following a probable opinion: *and he should be judged according to it by the confessor, if he chooses to persevere in it.* . . .² After he has once heard him, he is obliged by his duty to absolve him, if properly disposed for it, provided there be no reasonable cause for delaying absolution; the resolution of adhering to a *truly probable opinion, although the contrary opinion may be more probable, or*

¹ "Il faudra souvent qu'un pénitent aille essayer le refus de tous les prêtres d'un Diocèse; qu'il répète autant de fois ses péchés, qu'il se confessera à divers prêtres, jusqu'à ce qu'il en ait rencontré un *qui garde une mesure raisonnable en ses avis.*"—*Réponse à la Theol. Mor. Prop.* 23.

² "Non tenetur confessarius illum corrigere: imò non potest adimere illi jus quod habet sequendi opinionem probabilem: *et secundum illam debet à confessario judicari, si velit in eà persistere.*"—*Disp. Theol. Tom. V. de Pœnitentiâ, Disp.* 53. *Sect.* 15. n. 190.

*more safe, or more remote from sin, not being in itself a sufficiently valid reason for deferring it.*¹

ANTHONY ESCOBAR.

Universæ Theologiæ Moralis Receptiores absque lite sententiæ, necnon Problematicæ Disquisitiones. Tom. I. Lugduni, 1652.

(In the Cambridge University Library.)²

We may follow a probable opinion without sin, rejecting that which is more probable and more safe.—(*Tom. I. Lib. ii. Sect. 1. c. 2. n. 14.*)

I advise that permission should not be given to use a probable opinion when any great danger might result from it, as the injury of our neighbour, or the dishonour of God, if it could be avoided by following a more probable opinion.—(*Ibid. n. 15.*)

Any one who is questioned may answer according to the probable opinion of others, suppressing his own more probable or more safe opinion.³

¹ "Qualis non est voluntas adhærendi opinioni verè probabili, licèt contraria sit probabilior, aut tutior, et remotior à peccato."—*Disp. Theol. Tom. V. de Pœnitentiâ, Disp. 53. Sect. 15. n. 190.*

² "The edition in the University Library at Cambridge comprises only the *eighteen books* of the first *two* volumes of the *Theologia Moralis* of Escobar. The references to the succeeding volumes are given as they are found in the *Extraits des Assertions*.

³ "Potest quis interrogatus, juxta probabilem aliorum opinionem respondere, prætermittens propriâ, probabiliore vel tutiori."—*Tom. I. Lib. ii. Sect. 1. de Consc. c. 2. n. 18.*

Among many probable opinions, can there be one more safe than another; that is to say, can there be a greater danger of committing sin in adhering to one opinion rather than to another?

I answer in the negative: for since every probable opinion renders the conscience safe in acting, the agent will not be less safe in following one opinion rather than another.—(*Ibid.* n. 22.)

Indeed, whilst I perceive so many different opinions maintained upon points connected with morality, I think that the Divine Providence is apparent, *for in diversity of opinions the yoke of Christ is pleasantly borne.*¹

It is either lawful or unlawful to form the design of going to several different doctors, until one is found to return an answer in accordance with our wishes.

If I have an honest intention of finding a probable opinion which favours me, while I am firmly resolved not to act in opposition to a probable conscience, *I may lawfully do so.*—(*Ibid.* Probl. 7. n. 58.)

Subjects are either excused, or are not excused, from paying tribute, in consequence of an opposite probable opinion.

Certainly they *are excused*; for as the prince rightly levies tribute, in the opinion that it is probably just; so may the subject also rightly refuse the tribute, in the opinion that it is probably unjust. Thus Sanchez, Lessius, &c. I approve this opinion. . . .²

¹ "Profectò dum video tot diversas sententias in rebus moralibus circumferri, divinam reor Providentiam fulgurare, quia ex opinionum varietate jugum Christi suaviter sustinetur."—*Ibid.* n. 23.

² "Excusantur certè quia sicut princeps justè tributum im-

SIMON DE LESSAU.

Propositions Dictées dans le Collège des Jésuites d'Amiens.
1655, 1656.

II. Although one opinion may be more probable and more safe than another, and may seem to you to be more probable and more safe; although you may not abandon your opinion in *theory*, yet it is lawful for you to abandon it in *practice*, by following the less probable opinion. That part is said to be the safer in which there is either no possibility of sinning, or in which a less evil is chosen in order to avoid the greater.¹

III. Doctors may lawfully give advice in opposition to their own opinion, by following the opinion of another.—(*De Præcept. Decal. c. 1. art. 4.*)

IV. A confessor may absolve penitents, according to the probable opinion of the penitent, in opposition to his own; and is even bound to do so.²

ponit, juxta sententiam probabiliter affirmantem illud esse justum; sic etiam subditus justè denegare poterit tributum, juxta sententiam probabiliter affirmantem illud injustum esse. Ita Sanchez, &c. Hanc mentem approbo."—*Sect. 2. de Act. Hum. Probl. 18. n. 91 and 92.*

¹ "Quamvis una sit probabilior, etiam et tutior, tibi que etiam probabilior et tutior videatur; quamvis non deseras tuum judicium speculativum, licet tibi in praxi illam deserere, sequendo minùs probabilem. Illa pars dicitur tutior, in quâ aut nullum peccatum esse potest, aut propter vitandum majus malum, minus eligitur."—*De Præcept. Decal. c. 1. art. 4.*

² "Confessarius potest penitentes absolvere secundum probabilem opinionem penitentis, contrâ suam propriam: imò et tenetur."—*Ibid.*

POIGNANT.

Extrait des Ecrits du Pere Poignant, Professeur des Cas de Conscience dans le Collège des Jésuites d'Amiens. 1656, 1657.

XII. When the opinions upon a point of law are on either side probable, a judge may deprive which party he pleases of the suit.—(*Resolvuntur quædam diff. ex Judice.*)

XIII. A judge may follow the less probable opinion, rejecting that which is more probable.—(*Ibid.*)

THOMAS TAMBURIN.

Explicatio Decalogi. Lugduni, 1659.

(Sion College Library Edition, 1665.)

Whether it is lawful at one time to follow one probable opinion, and a different probable opinion at another, upon the same subject?

It is probable, for instance, that a tax has been unjustly imposed: it is also probable that the same tax has been justly levied. May I, because I am the king's collector of taxes, demand to-day the payment of the tax and to-morrow, or even on the same day, may I, because I am a merchant, secretly defraud it? ¹

¹ "Probabile est, verbi gratiâ, hoc vectigal injustè esse impositum; probabile item, esse impositum justè. Possumne ego hodiè, quia sum exactor regius vectigalium, exigere ejusmodi vectigal et cràs, imò etiam hodiè, quia sum mercator, illud occultè defraudare?"—*In Decal. Lib. i. c. 3. § 5. n. 1.*

Again, it is probable that pecuniary compensation may be made for defamation; it is also probable that it cannot be made. May I, the defamed, exact to-day pecuniary compensation from my defamer; and to-morrow, or even on the same day, may I, the defamer of another, refuse to compensate with money for the reputation of which I have deprived him? . . . *I affirm that it is lawful to do, at pleasure, sometimes the one, and sometimes the other.*¹

*Those ignorant confessors are to be blamed who always think that they do well in obliging their penitents to make restitution, because it is at all times more safe.*²

(A doctor) may instruct in probable opinions, even suppressing those which are more probable, provided he does not foresee that any scandal will arise from it: ³ because in so doing he acts prudently, if he shews to his hearers a probable way of acting rightly.

A confessor may, and even must, follow the probable opinion of his penitent, against his own opinion, whether it be probable or more probable. . . . A parish priest

¹ "Probabile rursus est, ablationem famæ pecuniâ compensari; probabile non compensari; possumne ego hodiè infamatus, velle ab infamante compensationem in pecuniâ; et cràs, imò hodiè, ego ipse alium infamans, nolle famam proximi à me ablatam compensare pecuniâ? . . . *Assero posse licitè fieri ejusmodi variationem, prout libet . . .*"—*In Decal. Lib. i. c. 3. § 5. n. 2. and n. 5.*

² "Unde indoctos confessarios, qui semper putant se bene facere obligando penitentes ad restitutionem, quia id semper est tutius, reprehende."—*Lib. i. c. 3. § 4. n. 15.*

³ "Docere potest (doctor) probabiles opiniones, etiam prætermisissis probabilioribus, modò non prævideat aliquod scandalum exoriturum."—*Ibid. n. 16.*

ought to absolve his penitent as often as he may return to him, and conform himself to the probable opinion of the penitent.—(*Methodus Expeditæ Confessionis*,¹ Lib. iii. c. 9. § 1.)

LOUIS DE SCILDERE.

De Principiis Conscientiæ Formandæ, Tractatus Sex.
Antverpiæ, 1664.

A subject who thinks that the command of his superior exceeds the limits of his authority, ought not to obey him.—(*Tr. 2. c. 4. n. 55. Assert. 3*)

If, then, a subject *thinks probably that a tax has been unjustly imposed, he is not bound to pay it.* . . . A defendant who thinks probably that a judge does not examine him lawfully, is not bound to reply, although the judge may be of the contrary opinion. . . . (*Ibid.*)

AMAD. GUIMENIUS.

(VERO NOMINE MOYA.)

Opusculum. Lugduni, 1664.

(Sion College Library, Edition 1661.)

Propos. 1.

Although an opinion may be false, any one may follow it in practice with a safe conscience *on account of the*

¹ Antverpiæ, 1656. (Sion College Edition.)

*authority of the person teaching it.*¹ (*Tract. de Opin. Prob. Prop. 1, &c.*)

They are supporters of this opinion who maintain that a confessor is bound to absolve a penitent, as often as the opinion of other persons, of acknowledged authority, should be in favour of such absolution, although the confessor himself should believe it false.—(*Ibid. Prop. 1. n. 2.*)

It is to be inferred from all that has been said, that a *probable certainty* is sufficient in morals to prevent exposure to danger.²

Propos. 2.

The king's counsellors are not obliged to choose the more probable opinion in the imposition of taxes; it is sufficient that they choose one which is probable. (*Sanchez, Jesuit.*) And subjects may refuse the payment of just taxes. (*The same Sanchez.*)³

But do not fail to observe the invaluable conclusion of the very learned Father Sa, at the word *Gabella*, n. 6, where he thus writes: *Learned men assert, that to*

¹ "Quamvis opinio sit falsa, potest quilibet, tutâ conscientiâ, illam practicè sequi, propter auctoritatem docentis."—*Tr. de Opin. Prob. Prop. 1.*

² "Concluendum est ex prædictis omnibus, quod probabilis certitudo sufficit in moralibus, ut non exponat se quis periculo."—*Ibid. 1. n. 8.*

³ "Regis consiliarii, in imponendis tributis, non tenentur eligere probabiliorem opinionem; sufficit probabilem eligant. Sanchez, Jesuita. Et subditi possunt justa tributa non solvere. Idem Sanchez."—*Prop. 2.*

defraud the excise, and to withhold restitution, is not a mortal sin. . . . I should not dare to make this affirmation absolutely; but neither would I oblige those who had been thus fraudulent to make restitution. For in such a doubt, *the condition of the possessor is the better, on account of the opinion of celebrated doctors.* For there are some who maintain, *that scarcely any duty is just* and others, *that they are almost all doubtful.*¹

HONORATUS FABRI.

Honorati Fabri S. J. Apologeticus Doctrinæ moralis ejusdem Societatis. Lugduni, 1670.

(Sion College Library Edition, 1672.)

DIALOGUE ON A PROBABLE OPINION.

Antimus and Pithanophilus

Pithanophilus.—That opinion is safe of which the use, or the choice, as you say, excludes all guilt.—(Dial. I.)

Antimus.—It should seem so at first sight: yet an opinion may be unsafe, although it exclude sin . . . For instance: a person thinks that he may wilfully, and of his own accord, omit a deadly sin in his confession, and he omits it through a truly invincible error. He does not in reality sin . . . That erroneous opinion, therefore, as you perceive, excludes sin, although it cannot be called safe. . . . (Ibid. n. 75.)

¹ *Tr. de Opin. Prob. Prop. 2. n. 4.*

Pithanophilus.—Hence I think I may rightly conclude, that two opposite opinions, which are truly and certainly probable, are both equally safe.—(*Ibid.* n. 78.)

Antimus.—Not any thing can be more plainly proved (*Ibid.* n. 79.)

Antimus.—That opinion is the more probable which authorizes the less probable to be followed¹

Antimus.—To bind men to the more probable opinion, of which they are often ignorant, would be an insupportable burden, especially in such a vast variety of opinions. (*Ibid.* n. 163.)

GEORGE DE RHODES.

Georgii de Rhodes, à Societate Jesu, Disputationum Theologicæ Scholasticæ, Tomus Prior. Lugduni, 1671.

The director of consciences will answer, that for some reason it is probable that you are bound to make restitution, and *for other reasons it is probable that you are not; but you may follow either opinion. And this he will always say to each of his penitents; whence he will neither contradict himself, nor will the doctrine of a probable opinion be mutable and inconstant.* For he will never say that you are bound to make restitution, if he should have a probable opinion which is opposed to the obligation to restore. *But there will never be any danger of corruption when a man shall follow that which shall*

¹ "Illa opinio probabilior est, per quam sequi licet minùs probabilem."—*Ibid.* n. 163.

*appear to him the more convenient, provided that a probable opinion teach him that it is not unlawful.*¹

A doctor may advise an enquirer *contrary to his own opinion*, according to another which he considers probable. For if he may follow it himself, why may he not also advise others to follow it, as Vasquez, Sanchez, &c. maintain? *He might even reply, sometimes according to one opinion, sometimes by following another.* But lest he should seem to be changeable and inconsistent, he ought to explain to the enquirer the probability of either opinion.²

Hence also the question is resolved, whether any one may consult different doctors until he find one favourable to his opinion, from whom he may hear that which he most desires. *For this, it is evident, is not unlawful in itself;* but it may be rendered very criminal by a corrupt intention.³

¹ "Respondebit enim, ut dixi, (director conscientiarum) propter aliquas rationes est probabile te teneri ad restitutionem; et propter alias rationes est probabile te non teneri; potes autem sequi utramque sententiam. Et hoc dicet singulis et semper: unde nec sibi contradicet; nec erit inconstans et lubrica doctrina de sententiâ probabili. Nunquam enim dicet, teneris ad restitutionem, si habeat sententiam probabilem, quæ negat obligationem restituendi. Nunquam autem periculum erit corruptionis, quando aliquis sequetur id quod videbitur commodius, modò probabilis opinio doceat id non esse illicitum."—*De Actibus Humanis, Disp. 2. Quest. 2. Sect. 3. § 3.*

² "Imò posset etiam respondere aliquandò juxta unam sententiam, aliquandò aliam sequendo respondere. Sed ne tamen videatur varius, et parùm sibi constans, debet sententiæ utriusque probabilitatem explicare interroganti."—*Ibid.*

³ "Hinc etiam solvitur, utrum possit aliquis varios consulere

But may the doctor send back his enquirer to another doctor, whose opinion he may consider to be improbable? I answer that he cannot, if he should think the opinion of that doctor evidently false; for then he is in ignorance: but *he may* if he does not consider his opinion to be entirely false; for then he may either reply according to that opinion, or refer his enquirer to the doctor. Thus Vasquez, Salas, &c.—(*Ibid.*)

A confessor . . . is bound, under pain of mortal sin, to absolve a penitent who follows a probable opinion, which the confessor himself considers false.¹

GEORGE GOBAT.

Operum Moralium, Tomus II. Duaci, 1700.

It is speculatively probable, that it is not a deadly sin to refrain from repressing carnal passions which have arisen against the will.²

doctores, donec favorabilem aliquem inveniatur, à quo audiat id quod maximè cupit. Hoc enim per se loquendo non est illicitum, ut patet; sed pravâ sanè intentione vitari potest.”—*Ibid.*

¹ Tenetur sub peccato mortali, absolvere pœnitentem qui opinionem sequitur probabilem, quam confessarius ipse putat esse falsam.”—*Ibid.*

² “Est speculativè probabile, quod non sit crimen lethale non reprimere motus carnales præter intentionem ortos; item non avertere oculos ab aspectu vultûs muliebris, esto ille aspectus causet turpes cogitationes.”—*Tom. II. Tract. 1. Præf. pro Clypeo Judicium, Sect. 1. n. 15.*

CHARLES ANTHONY CASNEDI.

Crisis Theologica. Ulyssipone, 1711.

There are, indeed, many opinions which are prudently probable, *although they may be contrary to Scripture, and to other infallible rules of the Church*; ¹ provided, that after a diligent investigation of the truth, the Scripture and the aforesaid rules are invincibly unknown, and the said opinions are supported by sufficient reason and authority.

We are never more free from the violation of the law, than when we persuade ourselves that we are *not bound* by the law. For he who says that he is bound by the law, rather exposes himself to the danger of committing sin. Perhaps he who has thus persuaded himself will fall into sin; *but he who says that the law is not binding, cannot sin. . . . He therefore who follows the less rigid and less probable opinion, cannot sin.* ²

¹ "De facto dantur plures opinioniones prudentè probabiles, licèt sint contrà Scripturam, aliasque infallibiles Ecclesiæ regulas. . . ." *Tom. I. Disp. 4. Sect. 1. paragr. 3. n. 63.*

² "Nunquàm sumus magis liberi à violatione legis, quàm quandò nobis persuademus, nos non teneri lege. Potiùs enim ille qui dicit *legem obligare*, se exponit periculo peccandi. Fortassis enim peccabit, qui hoc sibi persuasit; qui autem dicit *legem non obligare, peccare non potest. . . . Ergò sequens minùs strictam, minùs probabilem, peccare non potest.*" — *Tom. II. Disp. 10. Sect. 2. paragr. 2. n. 47.*

FRANCIS XAVIER FEGELL.

Quæstiones Practicæ de Munere Confessarii. Augustæ et Herbipoli, 1750.

Certainly it will not be lawful for a son to use secret compensation, if the stipend which he asks be denied him; because he has not a certain right to it. Nevertheless, after he has made secret compensation to himself, the confessor may thenceforward act with him more mildly, on account of the probability of the contrary opinion, and need not oblige him to make restitution immediately, if he has not taken beyond the estimate of his labour.—(*Pars III. c. 6. Quæst. 11. n. 70.*)

MATTHEW STOZ.

Tribunal Pœnitentiæ. Bambergæ, 1756.

IV. It is lawful to follow the less probable opinion of another, in opposition to our own more probable opinion, which we still retain.¹

It is lawful to *change* a probable opinion which any one has once embraced, in reference to the same object, and to act according to the opposite opinion.—(*Lib. i. Pars V. Quæst. 2. Art. 3. n. 113.*)

A confessor, or other learned man, may answer those who consult him against his own opinion, according to

¹ "IV. Licitum est sequi sententiam alienam et minus probabilem, contra propriam probabiliorem, etiam retentam."—*Lib. I. P. 5. Quæst. 2. Art. 3. n. 112.*

the probable opinion of others; provided only that it be not specially forbidden.—(*Ibid.* n. 115.)

Any confessor, whether ordinary or delegated, may follow, or at least permit his penitent to follow, a probable opinion; although he may himself maintain the contrary opinion, or may even think that the opinion of his penitent is false; provided, however, that he knows it to be defended as probable by other persons of ability.—(*Ibid.* n. 116.)

*Even in the administration of the sacraments, it is lawful to follow the less probable things, rejecting the more probable*¹. . . . Because the same ministers still act prudently; and as long as they are not certain of the truth of the opposite opinion, they do not expose themselves to a greater culpable danger of rendering the sacrament of none effect, than if they follow the more probable.

Even at the point of death, it is lawful to follow a probable opinion, rejecting the more probable.²

¹ "Etiam in administratione sacramentorum licitum est sequi minus probabilia, relictis probabilioribus . . ."—*Ibid.* n. 118.

² "Licitum est, etiam in articulo mortis, opinionem probabilem sequi, relictâ probabiliori."—*Ibid.* n. 120.

SECTION II.

PHILOSOPHICAL SIN, INVINCIBLE IGNORANCE, &c.

The doctrine of *Philosophical Sin* is that which teaches, that an action the most criminal in itself offends against reason, but does not displease God nor deserve eternal damnation, if the agent who commits it knows not God, or does not actually think of him, or does not reflect that he offends him.

JOHN OF SALAS.

In primam secundæ D. Thomæ. Tom. I. Barcinone, 1607.

(In the Library at Lambeth Palace.)

Invincible ignorance, is the ignorance of the man who does all he can and all he ought in order to surmount it. But it is *vincible* when he omits voluntarily, and therefore with advertence, any of those things which he is able and bound to do In like manner, if, after all the care which he has been able and obliged to exert, he has not succeeded in extricating himself from his ignorance, but still continues in it, either negatively or even positively, for some reason which he may think probable; his ignorance is morally invincible, and, in the latter case, it is called *probable*. But *improbable* ignorance is that which is only supported by slight reasons: and it is also called gross and supine, as is the negative ignorance of the man who scarcely makes any attempt to discover the truth.—(*Quest. 6. Art. 8. Tr. 3. Disp. 4. Sect. 1. Div. 5. n. 8.*)

THOMAS SANCHEZ.

Opus Morale in Præcepta Decalogi. Venetiis, 1614.

(Sion College Library, Edition 1624.)

I am of opinion that there is no deadly sin in the consent of the will, unless some thought or express consideration have preceded it Therefore, for a man to sin mortally, he ought to consider either that the action itself is evil, or that there is danger of sin, or he should have some doubt upon it, or at least a scruple. But if none of these have preceded it, *his ignorance, inadvertence, or forgetfulness, are accounted perfectly natural and invincible.*¹

VALERIUS REGINALD.

Praxis fori pœnitentialis. Lugduni, 1620.

(Sion College Library, Edition 1622.)

If a man whose mind is occupied with some practical doubt, dwells upon it with delight, but does not reflect that it is not lawful to delight in it, while his will is entirely abhorrent from it, and he is resolved, as far as possible, to refuse the delight if the sinfulness of it should ever occur to him; *he is evidently excused from sin, although he should think upon it with delight for a*

¹ "Quod si nihil horum præcesserit, ignorantia, inadvertentia, seu oblivio, censentur omnino naturalia et invincibilia."—*In Præcept. Decal. Lib. I. cap. 16. n. 21.*

*whole day.*¹ The reason is, that as long as the understanding does not reflect upon the wickedness of that which is offered to the will . . . *the consent of the will is not a sin*, because the sinfulness of it was not known; unless the inadvertence should have arisen from gross negligence, or in a depraved inclination to sin.

PAUL LAYMANN.

Theologia Moralis. Lutetiæ Parisiorum, 1627.

(Sion College Library.)

Suarez, Sanchez, and Vasquez are right who maintain, that for an action to be imputed unto man for sin, which is sinful and forbidden by some law, *it is necessary that the agent reflect, or should have reflected, upon the sinfulness of the action, or on the danger of the sin.*²

I have said above, that a man never sins unless he actually reflects upon the moral wickedness of the action or omission . . . As, if the mind in a violent transport of anger or grief is so absorbed in the thought of what may be convenient or useful, that it either reflects not at all, or very slightly, upon the sinfulness and discredit of the action : *in which case it will either be no sin, or only an imperfect and venial sin*; which I think sometimes happens *with those who are so com-*

¹ "Excusatur planè à peccato quantumcunque per diem integrum cogitaret cum delectatione."—*Lib. XI. cap. 5. Sect. 3. n. 46.*

² "Ut opus malum, et aliquà lege prohibitum, homini ad culpam imputetur, necesse esse ut operans actu advertat, vel advertit ad ejus malitiam, vel periculum malitiæ."—*Lib. I. Tract. 2. cap. 4. n. 6.*

*pletely absorbed in the excess of their sorrow, that they commit suicide.*¹

VINCENT FILLIUCIUS.

*Moralium Quæstionum de Christianis Officiis et Casibus
Conscientiæ, Tomus II. Lugduni, 1633.*

(Sion College Library, Edition 1625.)

It is a sin to act against conscience, although it should, in reality, be wrong. This is the commonly received opinion after Vasquez, Azor, &c. . . . *An action which is contrary to the natural and divine law, will not be imputed unto us for sin, except in as far as we know it to be sinful.*²

Probable ignorance, which originates in a *wilful* fault or *voluntary* cause, *excuses from sin*, provided its effects, which arise from ignorance, were not foreseen. We may instance the case of him who of his own will has become drunk or frantic, and in his drunkenness *kills a man, or commits fornication.*³

¹ "Quo casu vel nullum, vel duntaxat imperfectum ac veniale peccatum erit; quod arbitror interdum evenire iis, qui nimis tristitia absorpti, sibi ipsis necem inferunt."—*Ibid. Tract. 3. cap. 5. n. 13.*

² "Non imputabitur culpæ operatio, quæ est contra legem naturalem aut divinam, nisi quatenus cognoscitur à nobis ita esse."—*Tract. 21. cap. 4. de Consc. n. 116.*

³ "Ignorantia probabilis, originem habens ex culpâ vel causâ voluntariâ, modò effectus qui fiunt ex ignorantia non sint prævisi, excusat à peccato. Exemplum est in eo, qui sua voluntate factus sit ebrius vel furiosus, ex quo in ebrietate, hominem occidit, vel fornicatur."—*Ibid. cap. 10. n. 369.*

JOHN DE LUGO.

Disputationes Scholasticæ de Incarnatione Dominicæ.
Lugduni, 1633.

(Cambridge University Library, Edition 1646.)

In the words of God to Adam—"In the day that thou eatest thereof thou shalt surely die"—"if thou shalt eat it knowingly" must be understood; for if he had eaten it *without reflecting upon the offence to God, he had not sinned*. . . . As Christ said to Peter, "*If I wash thee not, thou hast no part with me;*" so Paul said to the Corinthians, "*If ye are adulterers, ye shall not inherit the kingdom of God.*" But as Peter would not have incurred that punishment if he had not adverted to the command of Christ, so neither would the Corinthians if they had not adverted to the divine offence; without which, *although it would have been a philosophical adultery* (if I may so express myself,) *yet it would not have amounted to a theological adultery*, of which Paul was speaking, since he spoke of it *in terms of a mortal sin*.¹

¹ "Nam, si comedisset sine advertentiâ ad Dei offensam, non peccasset . . . Sicut Christus dixit Petro, *Si non laveris te, non habebis partem mecum*: ita Paulus dixit Corinthiis, *Si fueritis adulteri, non habebitis regnum Dei*. Cæterum sicut Petrus non incurreret illam pœnam, si non adverteret ad Christi præceptum, sic nec Corinthii, si non adverterent ad divinam offensam, sine quâ, licet feret adulterium philosophicum (ut ita dicam) non tamen theologicum, de quo Paulus loquebatur, cùm loqueretur de illo in ratione peccati mortalis."—*Disp. 5. Sect. 6. n. 101.*

JOHN DE DICASTILLE.

De Justitiâ et Jure. Antverpiæ, 1641.

Theft may be venial through want of deliberation. For although, as Lessius says, it may seem difficult that theft should become venial by reason of imperfect deliberation, yet it may sometimes happen. For some persons are so addicted to it through habit, and, as it were, determined to thieve, that they bear away the thing stolen before they fully reflect upon what they are doing. The same thing may happen through the violence of temptation, especially when it is committed with so much precipitancy that there remains not time for deliberation.—(*Lib. ii. Tract. 2. Disp. 9. Dub. 2. n. 48.*)

ANTHONY ESCOBAR.

*Liber Theologiæ Moralis viginti quatuor Societatis Jesu
Doctoribus reseratus.* Lugduni, 1656.

(Library of the British Museum, Edition 1659.)

*A confessor perceives that his penitent is in invincible ignorance, or at least in innocent ignorance; and he does not hope that any benefit will be derived from his advice, but rather anxiety of mind, strife, or scandal. Should he dissemble? Suarez affirms that he ought; because, since his admonition will be fruitless, ignorance will excuse his penitent from sin.*¹

¹ "Intelligit confessarius, penitentem ignorantia invincibili, vel saltem non culpabili laborare, et nullum sperat fructum ex

THOMAS TAMBURIN.

Methodus Expeditæ Confessionis. Lugduni, 1659.

(Sion College Library, Edition 1656.)

Although he who through inveterate habit inadvertently swears a falsehood, may seem bound to confess the propensity, yet he is commonly excused.¹

The reason is, that no one commonly reflects upon the obligation by which he is bound to extirpate the habit . . . and therefore since he is excused from the sin, he will also be excused from confession.—(*Lib.* ii. c. 3. § 3. n. 24.)

Some maintain that the same must be said of blasphemy, heresy, and of the aforesaid oath . . . and consequently that such things committed inadvertently are neither sins in themselves, nor the cause of sin, and therefore need not necessarily be confessed.²

admonitione, sed potius animi inquietudinem, rixas, vel scandala; an dissimulare debeat? Affirmat Suarius; quia cùm admonitio nihil sit profutura, ignorantia penitentem excusabit à peccato.—*Tr.* VII. *Sacram. Examen.* IV. *de Penitentiâ*, c. 7. n. 155.

¹ “Qui verò ex inveteratâ consuetudine inadvertenter jurat falsum, licèt videatur obligari ad consuetudinem confitendam, tamen communiter excusatur.”—*Lib.* ii. c. 3. § 3. n. 23.

² “Eodem modo dicendum esse docent aliqui de blasphemâ, hæresi, et supradicto juramento . . . et consequenter ea inadvertenter facta, neque in causâ esse peccata, adeòque nec necessariò confitenda.”—*Lib.* ii. c. 3. § 3. n. 25.

GEORGE DE RHODES.

Disputationum Theologiæ Scholasticæ, Tomus Prior.

Lugduni, 1671.

Wherever there is no knowledge of wickedness, there is also, of necessity, no sin.

It is sufficient to have at least a confused knowledge of the heinousness of a sin; *without which knowledge there would never be a flagrant crime.* For instance, one man kills another, believing it indeed to be wrong, but conceiving it to be nothing more than a trifling fault. Such a man does not greatly sin, because it is knowledge only which points out the wickedness or the grossness of it to the will. Therefore, criminality is only imputed according to the measure of knowledge. —(*De Actibus Humanis, Disp. 2. Quæst. 2. Sect. 1. § 2.*)

If a man commit adultery or homicide, reflecting indeed, but still very imperfectly and superficially, upon the wickedness and great sinfulness of these crimes; *however heinous may be the matter, he still sins but slightly. The reason is, that as a knowledge of the wickedness is necessary to constitute the sin, so is a full, clear knowledge and reflection necessary to constitute a heinous sin.*¹

And thus I reason with Vasquez: In order that a man may freely sin, it is necessary to *deliberate whether*

¹ "Si quis committat adulterium aut homicidium, advertens quidem malitiam et gravitatem eorum, sed imperfectissimè tamen et levissimè; ille, quantumvis gravissima sit materia, non peccat tamen nisi leviter. Ratio est, quia, sicut ad peccatum requiritur cognitio malitiæ, sic ad grave peccatum requiritur plena et clara cognitio et consideratio illius. . . ."—*De Actibus Humanis, Disp. 2. Quæst. 2. Sect. 1. § 2.*

he sins or not. But he fails to deliberate upon the moral wickedness of it, if he does not reflect, at least by doubting upon it during the act. Therefore he does not sin, unless he reflects upon the wickedness of it.—(*De Peccatis, Disp. 1. Quæst. 3. Sect. 2. § 3.*)

It is also certain that a full knowledge of such wickedness is required to constitute a mortal sin. For it would be unworthy the goodness of God to exclude a man from glory, and to reject him for ever, for a sin on which he had not fully deliberated; but if reflection upon the wickedness of it has only been partial, deliberation has not been complete; and therefore the sin is not a mortal sin.¹

JAMES PLATEL.

Synopsis Cursus Theologici. Duaci, 1678.

A sin, however grossly repugnant it may be to reason, committed by a man who is invincibly ignorant, or who does not reflect that there is a God, or that God is offended by his sins, is not a mortal sin. For since this sin does not comprehend any virtual or implied contempt of God, it may subsist together with perfect charity, and with the friendship of God. Whence it follows, that the heinousness of this sin would be a *philosophical* heinousness. . . .²

¹ "Quod ad peccatum mortale requiratur plena cognitio malitiæ, certa etiam est. Quia scilicet indignum esset Dei bonitate, quod excluderet hominem à gloriâ, et illum in æternum projiceret, ob peccatum in quo non est plena deliberatio: si autem advertentia malitiæ non sit nisi semi-plena, non est plena deliberatio: ergo neque peccatum est mortale. . . ."—*De Peccatis, Disp. 1. Quæst. 3. Sect. 2. § 3.*

² "Peccatum, quantumvis graviter rationi repugnans, com-

ISAAC DE BRUYN.

*Theologia quam, Præsides R. P. Is. de Bruyn, defendent, &c.
...in Collegio Societatis Jesu. Lovanii, 1687.*

The existence of God is demonstrated, and the admirable order of the universe proves it. Yet, as this is not known in itself, nor declared in express terms in reference to us, *there may exist, at least for a very short time, an invincible ignorance of it*, especially among the less instructed.—(*Positio* 2.)

It is not lawful to follow a conscience which is doubtful and vincibly erroneous: we not only *may*, but *must* follow a conscience which is *invincibly* erroneous.¹

The schoolmen commonly call that a *philosophical sin*, which is committed against right reason, and with an invincible ignorance of God. It is not denied, at least by ourselves, that God is offended by this sin.... (*Positio* 15.)

CHARLES ANTHONY CASNEDI.

Crisis Theologica. Ulissypone, 1711.

So far from being false, I hold it to be most true, that a man sins not when he does that which he considers to

missum ab invincibiliter ignorante, aut non advertente, Deum esse, aut peccatis offendi, non est mortale. Cùm enim nullum, etiam virtuale et implicitum, Dei contemptum includat, stare potest cum charitate perfectâ, et amicitia divinâ. Unde tale peccatum esset quidem grave gravitate *philosophicâ* . . .”—*Tom. II. Pars. II, cap. 3. § 3. n. 189.*

¹ “Conscientiam dubiam et vincibiliter erroneam sequi non licet: erroneam *invincibiliter* sequi, non tantùm licet, sed etiam oportet.”—*Positio* 14.

be right without any remorse or scruple of conscience. (*Tom. 1. Disp. 7. Sect. 3. § 2. n. 149.*)

It is a constant doctrine of the theologians, according to Father Moya and St. Thomas, that there is an invincible ignorance of some precepts, not only of those which relate to mysteries of faith, but also of the precepts of the Decalogue, as usury, lying, fornication, *which are not sins in reference to those who are thus invincibly ignorant.*¹

SECTION III.

SIMONY.

EMMANUEL SA.

Aphorismi Confessariorum. Colonix, 1590.

It is not simony to pay what another has advanced, or promised, to procure ordination for you, without your knowledge or against your will, or if the money have been given without your concurrence; although, in a court of law this is accounted simony; and the Bishop in such a case may grant dispensation, provided it be not for a benefice or dignity.

¹ "Constans est theologorum doctrina apud P. Moya cum S. Thom. dari invincibilem ignorantiam aliquorum præceptorum, non tantum supernaturalium circa credenda, sed etiam naturalium circa præcepta Decalogi, nempe usuræ, mendacii, fornicationis, quæ, respectu eorum, non sunt peccata."—*Tom. II. Disp. 16. Sect. 2. § 1. n. 61.*

Neither is it simony to give any thing to obtain another man's friendship, by which means a benefice would be subsequently procured. . . .

Nor to give a benefice, not principally, but secondarily, *for a temporal advantage*. . . . (*Aphor. Conf. verbo* Simonia.)

FRANCIS TOLET.

Instructio Sacerdotum. Romæ, 1601. (Antverpiæ, 1603.)

(Sion College Library, Edition 1603.)

Cajetan observes, that in the case in which an election would be very injurious to the Church, money might be given to prevent such election; but not to insure that any particular election should be made. And he proposes this example: if the cardinals should wish to elect a Pope who would be very injurious to the interests of the Church, money might be given them to prevent their choosing him. Sotus adds . . . that it would also be lawful to give it for the election itself, if there should be only one worthy Pope, and all the others likely to be injurious. For then it would be the same thing to give it for the non-election and for the election. But when there are many persons worthy of being chosen, it is not lawful to purchase the election of one of them, although he may be the most worthy. Sotus rests his opinion upon this ground, that he thinks simony not to be so far forbidden by the divine and natural law, but that, in a case of emergency and extreme spiritual necessity, it is lawful to give money for

a spiritual purpose : and this opinion appears to me to be probable, although such a case is extremely rare.— (*Lib. v. c. 90. n. 5.*)

A doubt arises in the case in which a man should promise to give money for a benefice, not with an intention of really giving it, but feignedly; and if he should thus take the benefice, whether there would be simony. Sotus and Cajetan say that there would not, because the outward act partakes of the inward intention : wherefore, though the feigned promise were confirmed by a bond, there would be no simony ; although, in a court of law, it would be reckoned simony, because that court does not regard the inward intention. Thus I think, although Navarre inclines to a different opinion ; but this is the better.—(*Ibid. n. 11.*)

VALERIUS REGINALD.

Praxis fori pœnitentialis. Lugduni, 1620.

(Sion College Library, Edition 1622.)

Simony is not committed when any spiritual thing is bought or sold in probable ignorance ; nor when a promise is made to give a temporal for a spiritual benefit if there be not the will to perform the promise *And in that case, as the will to perform the promise is wanting, so, in fact, the will to purchase is also wanting, and there only remains the will to commit a fraud.*¹

¹ “Colliges . . . non committi simoniam, cùm aliquid spirituale emitur aut venditur ex ignorantia probabili; nec item quando

VINCENT FILLIUCIUS.

Moralium Quæstionum de Christianis Officiis et casibus conscientie, Tomus II. Lugduni, 1633.

(Sion College Library, Edition 1625.)

If a sacred thing be given *tanquam pretium actus veneri*, but not by way of gratitude and benevolence only, then it would be simony and sacrilege; as, if a man were to confer a benefice, election, or presentation upon another, *tanquam pretium actus veneri* committed with his sister. I have said, *not by way of gratitude*, because then there would be neither sacrilege nor simony; but *only at most* a certain irreverence in recompensing a shameful and profane act with a thing which is sacred and dedicated to God.¹

quis promittit se aliquid temporale daturum pro re spirituali . . . si non habeat voluntatem præstandi promissum . . . *Atque in eo casu, sicut deest voluntas præstandi, ita secundum veritatem deest voluntas emendi, tantumque adest voluntas faciendi fraudem.*"—*Tom. II. Lib. xxiii. c. 11. Quæst. 1. n. 110.*

¹ "Si res sacra detur tanquam pretium actus veneri, non autem ex gratitudine, vel benevolentia tantummodo, tunc esset simonia et sacrilegium: sicut si quis conferret beneficium, vel eligeret vel præsentaret aliquem tanquam pretium actus veneri habiti cum sorore. Dixi, *non autem ex gratitudine*, quia tunc nec sacrilegium ullum esset, nec simonia, sed tantum irreverentia quædam *ad summum*, re sacra et Deo dicata remunerando actum turpem et prophanum."—*Tom. II. Tract. 30. c. 7 in 6^{thum} Præceptum Decal. n. 130.*

HONORATUS FABRI.

Apologeticus Doctrinæ Moralis Societatis Jesu.

Lugduni, 1670.

(Sion College Library, Edition 1672.)

The adversaries object that they are taught by the casuists, that although money be promised for presentation to a benefice, yet there is no simony if the intention of paying it be wanting. And it is so: the casuists and lawyers maintain in common, that the spirit of a contract of sale is not comprised in the words only; and unless the *will* to be bound be also present, that it is not to be deemed a contract. Since, therefore, simony is a true contract of sale, if the intention of payment be wanting there is no simony. I acknowledge, indeed, that a fraud of this kind deserves punishment.... This doctrine is maintained by almost all the doctors, Lessius, Sotus, Tolet, Valentia, Suarez, Laymann, Filliucius, Castro Palao. In my opinion there is in this no difficulty.— (*Anonymus advers. Anonymum, Opusc. c. 13.*)

PAUL LAYMANN.

Theologia Moralis. Wirceburgi, 1748.

(Sion College Library, Edition 1627.)

It is not simony to bestow gratuitously upon any one who grants a spiritual office, a temporal gift which may be valued at a price.... Neither does it matter whether the gift be offered *after*, or at *the time*, or *before* the

spiritual office is conferred; and that too with the intention that the patron may be induced, from a motive of gratitude, to give the spiritual benefice.—(*Lib. iv. Tr. 10. c. ult. § 2. n. 8.*)

BUSEMBAUM & LACROIX.

Theologia Moralis nunc pluribus partibus aucta, a R. P. Claudio Lacroix, Societatis Jesu. Coloniae, 1757.

(Library of the British Museum, Edition 1733.)

These authors (Suarez, Lessius, &c.) also add, that the simony is not complete although a bond may have been given for the payment of the purchase-money; because that bond is not a part of the price: Diana, &c. . . . do also remark against Suarez, *that if the payment be made in counterfeit money, the simony will not then be complete; because counterfeit coin is not a true payment.*¹

It is not simony to give or to receive money for procuring more easy access to the person of the patron. Thus think Suarez and others. Hence there will be no simony, Lessius says, if you give money to the steward of a Bishop in order to gain admission to his family, intending thereby to win the favour of the prelate with your services, and thus to obtain from him a benefice. For then you do not give the money for the benefice, but

¹ "Addunt adhuc (simoniam) non esse omninò completam, quamvis datum sit chirographum de solvendo pretio, quia illud chirographum non est pars pretii: notant quoque Diana . . . contra Suarez, *si falsa pecunia daretur, etiam non compleri, quia falsa pecunia non est verum pretium.*"—Tom. II. *Lib. iii. Pars. I. Tr. 1. c. 2. Dub. 3. Quæst. 46. n. 212.*

for the opportunity of deserving well of the Bishop, and of receiving from him a benefice gratuitously. By means of the money, indeed, you prepare the way to the benefice, but remotely and indirectly, which is not unlawful.—(*Tom. II. Lib. iii. Pars I. Tr. 1. c. 2. Dub. 3. Quæst. 18. § 15. n. 93.*)

Sanchez concludes that it is not simony to make this bargain :—choose me provincial, and I will choose you prior ;—because this agreement and interchange in spiritual things is *only* forbidden in reference to benefices. —(*Ibid. Quæst. 20. § 1. n. 103.*)

SECTION IV.

BLASPHEMY.

FRANCIS AMICUS.

Cursus Theologici, Tomus VI. Duaci, 1640.

As the WORD was able to assume a nature which was irrational and incapable of all knowledge ; so might he also have taken a reasonable nature destitute of all knowledge.—*Tom. VI. Disp. 24. Sect. 4. n. 114.*

The WORD was able to assume the stupidity of the ass's nature ; and therefore also he might have assumed the imperfection of the human nature.¹

It is not more repugnant to (suppose) the WORD to err and to lie materially, through the nature which he

¹ "Potuit VERBUM assumere stoliditatem nature asinæ ; ergo et errorem nature humanæ."—*Tom. VI. Disp. 24. Sect. 4. n. 116.*

assumed, than in the same assumed nature to suffer and to die: therefore, if he was able to suffer and to die in his assumed nature, he could in the same nature have erred and have lied materially.¹

. . . . Madness has not in itself any moral, or formal, or radical, or material, or objective opposition to the intellectual nature: therefore, there is no reason why it could not have existed in the nature which was assumed by the WORD.—(*Ibid.* n. 129.)

. . . . Therefore, there is no reason for conceiving it repugnant (to suppose) that the WORD assumed an insane nature, or to admit that madness was in the nature which he had already assumed.²

STEPHEN BAUNY.

Somme des péchés qui se commettent en tous Etats.

Rouen, 1653.

The penitent must be asked whether he has committed these offences of the tongue; whether he has cursed and done despite to his Maker

If he should say that passion has hurried him to the expression of these offensive words, it may be determined, that in uttering them he has only sinned venially, inasmuch as they are only evil *materially*, because anger

¹ "Igitur si potuit in assumptâ naturâ cruciari ac mori, posset per eandem errare, ac falsum materialiter dicere."—*Ibid.*

² "... Ergo non est, cur ex hoc capite repugnet, VERBUM amentem naturam assumere, vel amentiam in assumptâ jam naturâ admittere."—*Ibid.* n. 130.

has deprived the penitent of the means of considering *quid formaliter significarent*. Laymann . . . (*Des Blasphèmes*, c. 5.)

CHARLES ANTHONY CASNEDI.

Crisis Theologica. Ulyssipone, 1711.

Do what your conscience tells you to be good and commanded: if, through invincible error, you believe lying or blasphemy to be commanded by God, *blaspheme*.¹

Omit to do what your conscience tells you invincibly is forbidden: omit the worship of God, if you invincibly believe it to be prohibited by God.²

There is an implied law . . . which is this: Obey an invincibly erroneous dictate of conscience. As often as you believe invincibly that a lie is commanded, *lie*.³

Let us suppose a Catholic to believe invincibly that the worship of images is forbidden: in such a case our Lord Jesus Christ will be obliged to say to him *Depart from me, thou cursed, &c. because thou hast worshipped mine image* So neither is there any absurdity (in

¹ "Fac quod conscientia dictat esse bonum et præceptum: si putas mendacium, aut blasphemiam, ex invincibili errore, esse à Deo præceptam, *blasphema*."—*Tom. I. Disp. 6. Sect. 2. § 1. n. 59.*

² "Omitte quod conscientia invincibiliter dictat esse vetitum: omitte cultum Dei putatum invincibiliter à Deo prohibitum."—*Ibid.*

³ "Lex . . . reflexa verè existens in Deo est hæc: Obedi dictamini invincibiliter erroneo: Quoties invincibiliter putas mendacium esse præceptum, *mentire*."—*Ibid. § 2. n. 78.*

supposing) that Christ may say, *Come, thou blessed, &c. because thou hast lied, believing invincibly that in such a case I commanded the lie.*¹

SECTION V.

PROFANATION.

FRANCIS DE LUGO.

Tractatus de Septem Ecclesiæ Sacramentis. Venetiis, 1652.

DE EUCHARISTIÄ.

By what kind of communion is this precept fulfilled?

The question is, when the holy sacrament is voluntarily but unworthily received.

The law which commands an act, commands the substance but not the manner of it; unless the manner be essential to the act, as attention is said to be essential to prayer, and formal integrity to confession. Therefore the ecclesiastical law which enjoins communion is only compulsory to the substance of the act, *which is sufficiently fulfilled even by a profane communion.*²

¹ "Supponamus aliquem ex Catholicis invincibiliter putare, cultum imaginum esse vetitum: ecce in hoc casu Christus D. dicere debet, *Ito, maledicte, &c. quia meam imaginem veneratus es* . . . Ita quoque nullum absurdum, quod Christus D. dicat: *Veni, benedicte, &c. quia mentitus es, invincibiliter putans me in tali casu præcipisse mendacium.*"—*Ibid.* Sect. 5. § 1. n. 165.

² *Lib. iv. de Eucharistiä, c. 10. Quæst. 3. n. 27 et 29.*

Thus he who hears mass with an evil intent, he who receives baptism in a state of sin, or the priest who administers it in a state of sin, all fulfil the command, although by criminal acts.—(*Lib. iv. c. 10. Quæst. 3. n. 29.*)

The divine positive precept which enjoins communion, ordains that it be received in a state of grace: *this I deny*. For this precept is fulfilled by an unworthy communion, as I have said, and as Cardinal de Lugo teaches.¹

GEORGE GOBAT.

Operum Moralium, Tom. I. et II. Duaci, 1700, 1701.

III. *Is a man who has unworthily received the communion at Easter, and has thus become guilty of the body and blood of Christ, compelled to receive it again?*

*Answ.*²—It is more probable that he is not compelled. The reason is, that such a man has fulfilled all that the Councils of Lateran and Trent have commanded him. *But does not the Council of Lateran expressly decree, that Christ must be reverently received? But what reverence can there exist, when he is received with so much irreverence, that Christ turns his face with abhorrence*

¹ "Præceptum divinum positivum obligans ad communionem, præcipit ut sumatur in gratiâ: *nego*. Nam huic præcepto satisficit per communionem indignam, ut dixi, et docet Card. de Lugo."—*Ibid. n. 30.*

² This proposition is the thirtieth of those which were censured by the decree of the Bishop of Arras, 17th of August, 1703.

from the receiver? as our case supposes. I answer,¹ that the synod *advises* an inward reverence, but does *not* command it.²—(*Tom. I. Tr. 4. Cas. 3. n. 44.*)

IV. He who communicates profanely complies with the ordinance of the pontiff requiring communion, according to the opinion of Cardinal de Lugo And Diana thinks, after Bossius, that this doctrine is true even when the pontiff says, *They who shall have reverently and devoutly communicated, &c. . . .* Either doctrine is probable on account of the authority of Bossius, and for the reasons which he has adduced.³

SECTION VI.

MAGIC.

ANTHONY ESCOBAR.

Theologiæ Moralis, Tomus IV. Lugduni, 1663.

It is lawful . . . to make use of the science acquired through the assistance of the devil, provided the preservation and use of that knowledge do not depend upon the devil: for the knowledge is good in itself, and the sin by which it was acquired is gone by. Suarez, Sanchez, &c.—(*Tom. IV. Lib. xxviii. Sect. 1. de Præcept. 1. c. 20. n. 184.*)

¹ This proposition is the thirty-first of those which were censured by the same episcopal decree.

² *Tom. I. Tr. 4. Cas. 3. n. 43 et 44.*

³ *Tom. II. Pars II. Tr. 3. Pænit. c. 26. n. 177.*

Astrologers and soothsayers are either bound, or are not bound, to restore the reward of their divination if the event does not come to pass.

I own that the former opinion does not at all please me; because, when the astrologer or diviner has exerted all the diligence in the diabolic art which is essential to his purpose, he has fulfilled his duty whatever may be the result. As the physician, when he has made use of medicines according to the principles of his professional knowledge, is not bound to restore the fee which he has received if his patient should die; so neither is the astrologer bound to restore his charge and costs to the person who has consulted him, except when he has used no effort, or was ignorant of his diabolic art; because, when he has used his endeavours he has not deceived.—(*Ibid. Sect. 2. de Præcept. 1. Probl. 113. n. 586.*)

JOHN BAPTIST TABERNA.

Synopsis Theologiæ Practicæ. Coloniae, 1736.

If a magician can remove an enchantment by lawful means, he may be required to do so; he may be bribed with money, and compelled with stripes to remove it: and that, too, even although it should be foreseen that he would do it by a new enchantment: for since he may do it by a lawful method, I have a right to demand it of him; and it will be imputed to his own wickedness if he should do it by unlawful means.—(*Pars. II. Tr. 3. c. 12.*)

PAUL LAYMANN.

Theologia Moralis. Lutetiæ Parisiorum, 1627.

(Sion College Library.)

If a magician, soothsayer, or diviner has employed his art in favour of any person and received reward for it, although he may have sinned in making the agreement yet Rodriguez and Sanchez maintain that he is not bound, *in foro conscientiæ*, to restore the reward. But Sanchez adds with probability, that a magician is not bound to restore although the matter required of him should not have come to pass; provided that he be skilled in the magic art and have used his diligence and means, which may be valued at a price.—(*Lib. iv. Tr. 10. c. 4. n. 8.*)

SECTION VII.

ASTROLOGY.

RICHARD ARSDEKIN.

Theologia Tripartita. Coloniae 1744.

If any one affirms, through conjecture founded upon the influence of the stars and the character, disposition, and manners of a man, that he will be a soldier, an ecclesiastic, or a bishop, *this divination may be devoid of all sin*: because the stars and the disposition of the man

may have the power of inclining the human will to a certain lot or rank, but not of constraining it.—(*Tom.* II. *Pars* II. *Tr.* 5. c. 1. § 2. n. 4.)

BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta, a R. P. Claudio Lacroix, Societatis Jesu. Colonise, 1757.

(Library of the British Museum, Edition 1733.)

Palmistry may be considered lawful if, from the lines and divisions of the hands, it can ascertain the disposition of the body, and conjecture with probability the propensities and affections of the soul . . . (*Tom.* II. *Lb.* iii. *Pars* I. *Tr.* 1. c. 1. *dub.* 2. *resol.* VIII.)

SECTION VIII.

IMPIETY.

JOHN OF SALAS.

In Primam Secundæ Divi Thomæ. Barcinone, 1607.

(The Edition in the Library at Lambeth Palace.)

An entire love of God is not due to him through justice, nor is even any due; though all love is due through a certain kind of *decency and credit*; because God is of himself worthy of love, and a measure of it is due to him either through charity or some other virtue.—(*Tom.* I. *Quest.* 3. *Tr.* 2. *Disp.* 2. § 5. n. 40.)

JAMES GORDON.

Theologia Moralis Universa. Lutetiae Parisiorum, 1634.

(The Edition in the University Library at Cambridge.)

Having established the obligation of this command (the love of God), we must next enquire when it is binding

I think that the time in which this precept is binding cannot easily be defined. It is a sure thing, indeed, that it is binding; but at what precise time is sufficiently uncertain.¹

PETER ALAGONA.

S. Thomæ Aquinatis Summæ Theologiæ Compendium.

Lutetiae Parisiorum, 1620.

By the command of God it is lawful to kill an innocent person, to steal, or to commit fornication; because he is the Lord of life and death and all things: *and it is due to him thus to fulfil his command.*²

¹ "Existimo non posse facile designari tempus quo obliget hoc præceptum. Certum quidem est esse obligationem; sed de tempore definito satis incertum."—*Tom. II. Lib. vi. Quest. 13. c. 4. art. 2. n. 8.*

² "Ex mandato Dei licet occidere innocentem, furari, fornicari; quia est Dominus vitæ et mortis, et omnium: *et sic facere ejus mandatum est debitum.*"—*Ex primâ secundâ, Quest. 94.*

IMAGO

Primi sæculi Societatis Jesu. Antuerpiæ, 1640.

(In the Bodleian Library at Oxford.)

The Society of Jesus is not of human invention, *but it proceeded from him whose name it bears.* For Jesus himself described that rule of life which the society follows, first by his example, and afterwards by his words.¹

The society extended over the whole world fulfils the prophecy of Malachi—

(A print representing the two continents, at the foot of which is written)

“From the rising of the sun unto the going down of the same, my name shall be great among the Gentiles: and in every place shall incense be offered unto my name, and a pure offering.” Mal. i.—(*Ibid.* p. 318.)

ANTHONY ESCOBAR.

Universæ Theologiæ Moralis receptiores absque lite sententiæ necnon problematicæ disquisitiones, Tomus I. Lugduni, 1652.

(In the University Library at Cambridge.)

It is either lawful, or unlawful, to use dissimulation in the administration of the sacraments.

¹ “Societas Jesu humanum inventum non est, sed ab illo ipso profectum, cujus nomen gerit. Ipse enim JESUS illam vivendi normam, ad quam se dirigit societas, suo primùm exemplo, deinde etiam verbis expressit.—*Lib.* i. c. 3. p. 64.

The censure of my very dear friend Father Ferdinand de Castro-Palao, seems to me to be *too severe*, when he calls the *former* opinion bold and rash.—(*Tom. I. Lib. i. Sect. 2. de Act. Hum. Probl. 26, n. 138.*)

A great fear either dispenses, or does not dispense, with the divine command of receiving baptism or penitence.—(Ibid. Probl. 27.)

It does certainly dispense with it; because that divine command is not binding in itself when it exposes us to some great danger; and the care which we should have for our eternal salvation does not oblige us to seek the safer means while we incur the danger.—(*Ibid. n. 139.*)

I formerly thought that it did *not* dispense with it, that while the divine command obliged us on the one hand to receive baptism or penitence, and a tyrant on the other prohibited their reception on pain of death, we were still bound to receive them, in order as far as possible to insure our eternal salvation. *But now I adhere to the former opinion*; since I perceive that after having received the sacrament, all danger of damnation does not cease: for it may not be absolutely certain that the sacrament has been rightly received or administered.—(*Ibid. n. 141.*)

A man of a religious order who for a short time lays aside his habit for a sinful purpose, is free from heinous sin, and does not incur the penalty of excommunication (*Lib. iii. Sect. 2. Probl. 44. n. 212.*)

I am of this opinion, and I extend that short time to the space of one hour. A man of a religious order therefore who puts off his habit for this assigned space of time, does not incur the penalty of excommunication,

*although he should lay it aside, not only for a sinful purpose, as to commit fornication, or to thief, but even that he may enter unknown into a brothel.*¹

The sins of blasphemy, perjury, and unfaithfulness, committed in a state of drunkenness, either are not or are to be imputed unto sin.

I think it sufficient to follow the former opinion which is probable *to utter such things in the time of drunkenness, is not sin, but the effect of sin.*²

AMADEUS GUIMENIUS.

Opusculum, Tractatus Fidei. Lugduni, 1664.

(Sion College Library, Edition 1661.)

An explicit belief in the mysteries of the Incarnation and the Trinity, is not a necessary mean of salvation. Laymann, Jes.

This is the opinion of Sotus (and many others) and of John Lacroix. Whence it is evident that he thinks with his associates, that a declared belief in the mysteries of the Incarnation and Trinity is not a necessary mean of salvation And indeed justly: for otherwise, as Serra has well observed with Laymann, salvation

¹ "Idem sentio, et breve illud tempus ad unius horæ spatium traho. Religiosus itaque habitum dimittens assignato hoc temporis interstitio, non incurrit excommunicationem, *etiamsi dimittat non solum ex causâ turpi, scilicet fornicandi, aut clâm aliquid abripiendi, sed etiam ut incognitus ineat lupanar.*"—*Probl.* 44. n. 213.

² "*Illâ proferre tempore ebrietatis, peccata non sunt, sed effectus peccati.*"—*De Vitiis Capital. Lib. iv. Sect. 2. Probl.* 30. n. 246.

would be impossible to those who were born deaf when once they were corrupted by mortal sin; since the mysteries of the Incarnation and Trinity could not be explicitly propounded to them.¹

Besides the purgatory in which by faith we believe, there is another place like a flowery field of unclouded brightness, sweetly perfumed and very pleasant, where the spirits by which it is inhabited never suffer any pain of sense. This place will therefore be a very mild purgatory, like an honourable state prison.—*Bellarmino, Jes. Lib. ii. de Purg. cap. 7.*—(*Ex Tract. de Fide, Prop. 7.*)

The opinion which we have just recorded will be a consolation to the miserable, like that which John Lacroix maintains after Sotus . . . where he says, that no one remains in purgatory for ten years.—(*Ibid. n. 3*)

JESUITS OF CAEN.

Thesis propugnata in regio Soc. Jes. Collegio, celeberrimæ Academiæ Cadomensis, die Veneris, 30 Jan. 1693. Cadomi, 1693.

(The Christian religion) is . . . evidently credible, but not evidently true. It is evidently credible; for it is evident that whoever embraces it is prudent. It is not evidently true; for it either teaches obscurely, or the things which it teaches are obscure. And they who affirm that the Christian religion is evidently true, are obliged to confess that it is evidently false.²

¹ *Ex Tract. de Fide, Prop. 1. n. 2, 3, et 4.*

² “(Religio Christiana) est . . . evidenter credibilis, non evidenter vera. Evidenter credibilis; nam evidens est, prudentem

Infer from hence—

1. That it is *not* evident—that there is now any true religion in the world. For whence do you know that all flesh has not corrupted his way?

2. That it is *not* evident—that of all religions existing upon the earth the Christian religion is the most true; for have you travelled over all the countries of the world, or do you know that others have? . . .

4. That it is *not* evident—that the predictions of the prophets were given by inspiration of God: for what refutation will you bring against me if I deny that they were true prophecies, or assert that they were only conjectures?

5. That it is *not* evident—that the miracles were real which are recorded to have been wrought by Christ; although no one can prudently deny them.—(*Position 6.*)

Neither is an avowed belief in Jesus Christ, in the Trinity, in all the Articles of Faith, and in the Decalogue necessary to Christians. The only explicit belief which was necessary to the former (the Jews), and is necessary to the latter (Christians), is, 1. Of a God. 2. Of a rewarding God.—(*Position 8.*)

We are commanded to confess the faith with the mouth, and not with the understanding only . . . It is not lawful to dissemble in the presence of a judge who duly examines you; but it is lawful to do so before a

esse quisquis eam amplexatur. Non evidenter vera; nam aut obscure docet, aut quæ docet obscura sunt. Imò qui aiunt religionem Christianam esse evidenter veram, fateantur necesse est falsam evidenter esse.—*Pos. 5.*

private individual. But what if the judge should examine you privately? It is not lawful in that case to dissemble. But if a private person should examine you publicly? Then you may sometimes dissemble. Under what circumstances? A prudent man will teach you. Naaman the Syrian did not dissemble his faith when he bowed the knee with the king in the house of Rimmon: neither do the Fathers of the Society of Jesus dissemble, when they adopt the institute and the habit of the Talapoins of Siam.¹

GEORGE GOBAT.

Operum Moraliū, Tom. I. Duaci, 1700.

A merchant who had been given over by his physicians, desired that a Lutheran priest might be summoned to attend him. But his servants brought a Catholic. He had no sooner arrived than he began to praise some of the excellencies of Luther; (for in the very devil himself some natural good qualities are to be found.)² He secured the attention of the sick man,

¹ "Fidem ore, non animo tantum, confiteri jubemur. . . Dissimulare nefas est coram iudice ritè interrogante; fas coram privato. Quid, si iudex privatim interroget? Ne tùm quidem dissimulare licet. Quid, si privatus publicè? Tunc dissimulare interdum potes. Quibus in circumstantiis? Vir prudens te docebit. Fidem nec dissimulavit Naaman Syrus cum rege in templo Rimmon genuflectens; nec dissimulant Patres S. J. Talapoinorum Siamensium institutum vestemque affectantes."—*Pos.* 9.

² "Hic, ut venit, laudat aliquas dotes Lutheri (nam in ipsomet dæmone sunt aliqua bona naturalia.)"

instructed him in the Catholic religion, heard his confession, administered the communion, and even to his latest breath exhorted him to acts of contrition.

This merchant believed indeed that he was confessing himself to a Lutheran priest (for auricular confession, as Luther rightly though contemptuously calls it, still prevails in many towns among the Lutherans): yet, in fact, he was only a Lutheran *materially*. Hence the deception in regard to the person of the confessor did not vitiate the confession.—(*Op. Mor. Tom. I. Tr. 7. Cas. 19. n. 619.*)

JOHN MARIN.

Theologiæ Speculativæ et Moralis, Tomus II. Venetiis, 1720.

God can speak equivocally for a righteous purpose, and a righteous purpose is often found.—(*Tom II. Tr. 14. de Fide Divinâ, Disp. 5. Sect. 1. n. 9.*)

It is certain, and in my opinion matter of faith . . . that the humanity (of Christ) was remotely peccable, or possessed a remote power of sinning: because it is matter of faith that the humanity of Christ was of the same kind as our own.¹

¹ "Dico, certum esse, et meo judicio de fide . . . humanitatem (Christi) esse remotè peccabilem, seu, habere potentiam remotam peccandi: quia de fide est humanitatem Christi esse ejusdem rationis cum nostrâ."—*Tom. II. Tract. 17. de Incarn. Disp. 12. Sect. 1. n. 8.*

LE MOYNE.

Propositions extraites des Cahiers dictés au Collège d'Auzerre, par Le Frere Le Moyne, Jésuite, et censurées dans l'Ordonnance et Instruction Pastorale de M. l'Evêque d'Auzerre du 18 Septembre, 1725.

A Christian acting deliberately, may act precisely as man, and lay aside the character of the Christian man in actions which are not properly those of a Christian.¹

Censure.

This proposition is rash, scandalous, offensive to the ears of Christians, erroneous, and conducive to the subversion of the laws of Christianity.—(*Ord. Episcop. Prop. 1. p. 36.*)

FRANCIS ODIN.

Epistola Beati Pauli Apostoli ad Romanos explicata per Franciscum Odinum, Societatis Jesu Presbyterum. Parisiis, 1743.

Ep. ad Rom. c. x. v. 21. (*Ad Israel*) that is, what relates to the Israelites: God thus speaks of them by the same prophet (Isaiah) at the same place, "*All the day long have I stretched forth my hands to a disobedient and gainsaying people;*" that is, I have not ceased to

¹ "Christianus deliberatè agens, potest agere præcisè ut homo, et deponere personam hominis Christiani, in his actionibus quæ non sunt propriè Christiani."—*Le Moyne, Lib. ii. de Act. Hum. c. 1. Sect. 2. art. 1. obj. 1.*

invite this rebellious and unbelieving people to repentance. I have been standing every day, as it were with extended hands, calling and ready to receive and embrace this people as often as they would return. *If God did not will that the Jews should come to the faith, and through faith unto salvation, he indeed played his mimic part skilfully and splendidly.*¹

BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta, à R. P. Claudio Lacroix, Societatis Jesu. Coloniae, 1757.

(Library of the British Museum, Edition 1733.)

When and how often this precept (the love of God) is binding, remains uncertain . . . (*Tom. I. Pars II. Lib. ii. de Fide, Tr. 3. c. 1. Quæst. 37. § 2. n. 132.*)

Sotus, Angelus, and others say that it is binding on every festival . . . on the other hand, Castro-Palao and others commonly deny it, and with greater probability. —(*Ibid. § 3. n. 133.*)

Sotus and Valentia say that it is binding when an adult is about to be baptized. But it is objected that it is not necessary on account of baptism, because for that sacrament *attrition*² is sufficient . . . —(*Ibid. § 4. n. 134.*)

Sotus, Valentia, and Tolet say that it is binding when

¹ “Si Deus nolebat Judæos venire ad fidem, et fide ad salutem pervenire, solertèr quidem et magnificè agebat histrioniam.”—*Ep. ad Rom. c. x. v. 21. in notis.*

² Attrition—a regret for having offended God, induced by a fear of his punishment.

any one has received a benefit from God. To this it is opposed, that in such a case it will be sufficient to return thanks; for thus he satisfies what is due to propriety.¹

Bannez says that it is binding when any one wishes to receive the Eucharist. It is objected, that no such command is to be found, and that a state of grace is sufficient for receiving the Eucharist.²

Not knowing, therefore, amidst such a vast variety of opinions, when and how often God must be loved, let us choose the safer part³

In order that we may be justified, we are obliged to love God. If the sacrament (of penitence) be *not* received, *I grant it*: if it be received, *I deny it*. And this is the privilege of the new grace which Christ has added, that by virtue of the sacrament *justification may be obtained even without love*.⁴

¹ "Sotus, Valentia, Toletus dicunt obligare, quando quis beneficium à Deo acceperit. *Contra est*, quia tunc sufficit gratias agere; sic enim satisficit honestati debitæ."—*Tom. I. Pars II. Lib. ii. de Fide, Tr. 3. c. 1. Quest. 37. § 8. n. 138.*

² "Bannez dicit tum obligare, quando quis vult Eucharistiam sumere. *Contra est*, quia tale præceptum nullibi extat, et ad Eucharistiam sufficit status gratiæ."—*Ibid. § 10. n. 140.*

³ "Itaque cum in tantâ sententiarum varietate nesciamus quandò et quotiès sit diligendus Deus, arripiamus tutiora. . . ." *Ibid. § 11. n. 141.*

⁴ "Pro justificatione manet obligatio amoris Dei, si non suscipiatur sacramentum (Pœnitentiæ), *concedo*: si hoc suscipiatur, *nego*. Et hoc est privilegium novæ gratiæ, quam addidit Christus, *ut etiam sine amore possit vi sacramenti obtineri justificatio*."—*Tom. VI. Lib. vi. Pars II. Tr. 4. c. 1. Dub. 2. de Contritione, Quest. 119. n. 865.*

SECTION IX.

IDOLATRY.

GABRIEL VASQUEZ.

De Cultu Adorationis, Libri Tres. Moguntiae, 1614.

The more true opinion is, that all inanimate and irrational things may be legitimately worshipped. If the doctrine which we have established be rightly understood, not only may a painted image, and every holy thing set forth by public authority for the worship of God, be properly adored with God as the image of himself; but also any other thing of this world, whether it be inanimate and irrational, or in its nature rational, and devoid of danger.—(*Lib. iii. Disp. 1. c. 2.*)

Why may we not adore and worship with God, apart from danger, any thing whatsoever of this world; for God is in it according to his essence, and preserves it continually by his power; and when we bow down ourselves before it and impress it with a kiss, we present ourselves before God the Author of it with the whole soul, as unto the prototype of the image? Neither is it in one manner only that the creature may be lawfully worshipped, by uniting it in thought with God or a saint The first is by representation; as in an image. The second is by actual, but past contact, as the things which touched Christ or a saint, the cross, the nails, the vesture and other things. A third is when the thing which is worshipped appertained to the saint; such as reliques of his body. For every one may thus represent to himself, in the inanimate thing

which he adores—in an image, a vesture, or a bone—the presence and union of the rational thing itself (as Christ or a saint.) To these instances we may add a fourth. Since every thing of this world is the work of God and God is always abiding and working in it, we may more readily conceive him to be in it, than a saint in the vesture which belonged to him. And therefore without regarding in any way the dignity of the thing created, *to direct our thoughts to God alone, while we give to the creature the sign and mark of submission by a kiss or prostration, is neither vain nor superstitious, but an act of the purest religion.*—(*Ibid.*)

SECTION X.

LICENTIOUSNESS.

It is not the design of this volume to offend the delicacy of the reader by re-producing, in an English translation, the disgusting process of the confessional. The whole of this Section of the *Extraits des Assertions* is therefore suppressed, with the exception of two passages only, which are retained in order to preserve a sectional arrangement in uniformity with that of the work itself. They are suffered to remain in their original Latin in the hope that they will not be read.

EMMANUEL SA.

Aphorismi Confessariorum. Coloniae, 1590.

(Sion College Library, Edition 1615.)

Potest et foemina quæque, et mas, *pro turpi corporis usu, pretium accipere et petere*; et qui promisit, tenetur solvere.—(*Aphorismi*, verbo *Luxuria*, n. 16.)

Copulari ante benedictionem aut nullum,¹ aut leve peccatum est, (etsi quidam mortale esse putant,) quin etiam expedit, si multum illa differatur.—(*Ibid.* verbo *Debitum conjugale*, n. 6.)

JAMES GORDON.

Theologia Moralis Universa. Tomus Prior. Lutetiae Parisiorum, 1634.

(The Edition in the University Library at Cambridge.)

Facile est definire, an meretrix licitè retineat prostitutionis suæ pretium. Potest quidem moderatum pretium retinere.—(*Lib. v. Quæst. 5. c. 6. n. 3.*)

¹ In the edition of 1615, the words, *aut nullum*, are omitted.

SECTION XI.

PERJURY, LYING, FALSE-WITNESS.

EMMANUEL SA.

Aphorismi Confessariorum. Coloniae, 1590.

(Collated with the Edition of 1615 in Sion College Library.)

It is not a mortal sin to swear that you will *not* do that which it is better to do; nor if you swear a false oath as to words, but a true oath in reference to the meaning of the enquirer: as if in the time of the plague you should swear that you were not come from such a place, *understanding*, that in which the plague prevailed, as he supposes; or, that you had not spoken to such a man, *meaning*, upon the subject which your enquirer may suspect. . . . And lastly, since you are not bound to swear according to the meaning of the enquirer, you may according to your own; which some deny, affirming that words which are absolutely false are not excused by such an *understanding of intention*. There are learned men in favour of either opinion, who maintain it on either side with probability.—(*Aphorismi verbo Juramentum*, n. 6.)

FRANCIS TOLET.

Instructio Sacerdotum. Romæ, 1601.

(Sion College Library, Edition 1603.)

There is still another point to be considered in reference to an accused person: when he is not lawfully

examined, in what words he should reply when he has really committed the crime The whole and only difficulty is, whether, when he is pressed, he may reply, *I have not done it*. Now, in the first place, it is certain that he is not permitted to tell a lie : for he would be perjured, and in any case would sin mortally : but it is lawful for him to use equivocation. Sotus maintains that it is not lawful for him in any way to say, *I have not done it* ; because in this reply there would be no equivocation, but a lie. Yet Adrian asserts, that such an accused person may say, *I have not done it*. Cajetan affirms that he might answer that he had no accomplices, although he had. And I think this to be the more probable. Yet the accused should be careful to use such expressions according to his meaning in a true sense, as if he intended to say, *I have not done it*, meaning, since he had been *in prison* ; and, *I have had no accomplices*, understanding, *in other crimes*, or some such meaning : otherwise it would be a lie ; but not in this manner ; because in such a case his words are not to be considered according to the meaning of the judge, but of the accused himself.¹

¹ "Tamen cautus debet esse reus, ut talia verba proferat juxta suam intentionem in sensu vero, puta, ut intendat dicere, *non feci*, puta, *in carcere* ; et, *non habui complices*, in *aliis criminibus*, vel aliquid simile, aliàs esset mendacium ; non autem illo modo ; quia verba, in tali casu, non sunt consideranda juxta judicis intentionem, sed ipsius rei."—*Líb. v. c. 58. n. 7.*

FRANCIS SUAREZ.

Operis de Virtute et Statu Religionis, Tomus II.
Lugduni, 1614.

(Sion College Library, Edition 1623.)

It is not intrinsically wrong to use equivocation, even in making oath : whence it is not always perjury.¹

This is the sure and common opinion For, to speak with such equivocation is not always a lie, neither is it therefore intrinsically wrong : and therefore to confirm it by an oath is neither perjury, nor intrinsically a sin The reason is, that a lie is a declaration contrary to the sense of the speaker ; for it is he who is bound to adapt his words to his own meaning, and he is not always bound to adapt them to the understanding of his hearer. But he who uses ambiguous words in a sense which is agreeable to his own meaning, cannot be said to speak against his meaning : therefore he does not lie : he does not utter a lie : therefore, thus to speak is not intrinsically wrong ; for there can only be such wickedness in consequence of the lie. Whence it is inferred, that to confirm such an expression with an oath is not perjury ; because by that oath God is not called to witness a lie, since that is not a lie.—(*Lib. iii. de Juram. Præcept. et Pecc. eis contrar. c. 9. Assert. 1. n. 2.*)

¹ "Non est intrinsecè malum uti *amphibologiâ*, etiam jurando : undè nec semper est perjurium."—*Lib. iii. de Juram. Præcept. et Peccat. eis contr. c. 9. Assert. 1. n. 2.*

THOMAS SANCHEZ.

Opus Morale in Præcepta Decalogi. Venetiis, 1614.

(Sion College Library, Edition 1624.)

He who may conceal goods which he requires for the sustenance of life, lest they should be seized by his creditors and himself reduced thereby to beggary, may swear, when he is examined by the judge, that he has no concealed goods. *And they who are privy to it may swear the same thing*, provided they are persuaded that he has lawfully concealed them for that purpose, *understanding within themselves*, that he does not retain any things concealed which he is bound to discover to the judge.—(*In Præcept. Decal. Pars II. Lib. iii. c. 6. n. 31.*)

When a man who has truly or feignedly promised marriage, is for some reason free from the obligation of fulfilling his promise, *he may swear*, when required by the judge, *that he did not promise, understanding*, in such a manner that he is bound to fulfil his engagement. Which applies . . . not only when there is manifest cause for not fulfilling the promise, but also when it is probable in the opinion of learned persons that he is not bound to fulfil it. Because, by adopting a probable opinion, *he may think that he is not bound, with a safe conscience.*¹

¹ "Sive veré, sive fictè promittens matrimonium, immunis est ob aliquam causam ab implendi obligatione, posce eum a Judice vocatum, *jurare se non promisisse, intelligendo*, ità ut teneatur implere. Quod . . . diximus procedere, non tantùm quando est certa causa non implendi, sed etiam quoties sapientum judicio est

If a sworn promise to pay any sum of money be unjustly extorted, it is lawful for the person who swears to use this equivocation: *I swear to you that I will pay the money*, understanding, that the case (of the pronoun), *to you*, is governed by the verb *to swear*: so that the meaning may be, *I swear to you, that I will hereafter pay the money, either to yourself, or to some one else . . .* If, moreover, in the language in which the oath is sworn the name of God has different significations, *it would be lawful to swear by God, by using that word in another sense.*¹

A man who is *urged* to take a woman for his wife whom he is not *compelled* to marry, may *swear* that he will take her, by *understanding* within himself, *If I am obliged, or, If she should afterwards please me.*—(*Ibid.* n. 39.)

He would not sin mortally who without deception, but influenced by his reverence for an oath, and from scruple, *should feign to swear, so that the bystanders and the notary might think that he did swear.*²

probabile non teneri servare. Quia potest, amplexendo opinionem probabilem, existimare se, *tutâ conscientiâ, non obligatum.*"—*In Præcept. Decal. Pars II. Lib. iii. c. 6. n. 32.*

¹ "Si per injuriam extorqueatur promissio jurata alicujus pecuniæ dandæ, licere juranti uti hâc æquivocatione: *Juro tibi me numeraturum pecuniam*, intelligendo, ut ille casus, *tibi*, regatur à verbo *Juro*: ita ut sit sensus, *Tibi juro, fore ut numerem pecunias, sive tibi, sive alteri . . .* Item, si in eâ linguâ in quâ juratur, nomen Dei habeat diversas significationes, *liceret jurare per Deum, usurpando id nomen in aliâ significatione.*"—(*Ibid.* n. 37.)

² "Nec enim mortaliter peccaret, si nullâ fraude, sed reverentiâ juramenti ductus et scrupulo, *fingeret se* jurare, itâ ut astantes et tabellio intelligerent eum jurare." . . .—*Ibid.* c. 7. n. 2.

VALERIUS REGINALD.

Praxis Fori Pœnitentialis. Lugduni, 1620, Tom. II.

(Sion College Library, Edition 1622.)

If there is a lawful cause for using equivocation or artifice in swearing, even although he to whom the oath is sworn should understand it in a sense different from that in which it is understood by him who swears it, and would thus be deceived, a mortal sin is not committed; and sometimes it does not even amount to one which is venial.—(*Tom. II. Lib. xviii. c. 7. Sect. 1. n. 90.*)

Qu.—Whether it is lawful to conceal the truth by speaking ambiguously? It is lawful. And the ambiguity by which the truth may be concealed without a falsehood is such, that what a man utters shall be true according to his *own* meaning, although it may be false according to the sense of his hearer and the common acceptance.—(*Lib. xxiv. c. 1. Sect. 4. n. 9.*)

The equivocation which is here spoken of is not only that which arises from the different significations of words but that which also happens when words are pronounced which are indeed false when uttered aside and taken separately, *but are true with certain additions which are understood by the speaker.*¹

¹ " sed vera sunt aliquibus adjunctis, quæ à dicente sub-intelliguntur."—*Lib. xxiv. c. 1. Sect. 4. n. 10.*

LEONARD LESSIUS.

De Justitiâ et Jure. Parisiis, 1628.

(Sion College Library, Antwerp Edition 1621.)

If a judge examines concerning an action which has been committed without sin, at least without mortal sin, *the witness and the accused are not obliged to answer according to the meaning of the judge.*¹ For instance, you have killed your assailant Peter, having observed a reasonable forbearance, or refrained from any considerable excess. *You are not bound to acknowledge that you have killed him*, although the report of your having done so has been spread; neither is the witness bound to give evidence of it. For the judge tries you for murder: and if you should confess it and could not prove that you had done it in necessary self-defence, he would condemn you of homicide upon a false presumption.—(*Lib. ii. c. 31. dub. 3. n. 14.*)

Hence it follows that there is no compulsion to swear according to the meaning of the judge, *but that equivocation and mental restraint may be used.*²

A priest should not oblige his penitent to confess the truth while there is a hope of escaping But when there is no hope of escape (as if the criminal should

¹ "Si judex quærat de facto, quod absque culpâ, saltêm lethali, patratum est, *testem et reum non teneri respondere ad mentem judicis.*"—*Lib. ii. c. 31. dub. 3. n. 14.*

² "Ex dictis sequitur primò, non teneri jurare ad mentem judicis, *sed posse uti amphibologiâ, vel mentali restrictione . . .*" *Ibid. dub. 3. n. 17.*

perceive that his crime may be readily and fully proved), then he is bound to confess the truth, because there is no longer reason for concealing it.—(*Ibid.* n. 18.)

VINCENT FILLIUCIUS.

Moralium Quæstionum de Christianis officiis et casibus conscientie, Tomus II. Lugduni, 1633.

(Sion College Library, Edition 1625.)

1. I ask, whether it is wrong to use equivocation in swearing? It must be premised that equivocation is nothing more than this, that the swearer understands the words in a sense different from that in which another person receives them.—(*Tom.* II. *Tr.* 25. c. 11. *de Juram.* n. 321.)

I answer, 1st, that it is not in itself a sin to use equivocation in swearing . . . This is the common doctrine after Suarez. 2dly, That it may often be a sin to use equivocation, as, when it is done without a reasonable cause, or in order to deceive: in which sense some holy fathers are to be understood.—(*Ibid.* n. 322.)

2. Is it perjury or sin to equivocate in a just cause? It is not perjury: as, for instance, in the case of a man who has outwardly made a promise without the intention of promising: if he is asked whether he has promised he may deny it, *meaning, that he has not promised with a binding promise*; and thus he may *swear*: otherwise he might be compelled to pay a debt which he did not owe.—(*Ibid.* n. 323.)

3. If the equivocation be only mental is the oath lawful?—I answer, 1st, that it is a *probable opinion* that it is *not* lawful to swear in such a case . . . I answer, 2dly, that it is *more probable* that it is lawful. —(*Ibid.* n. 325, 326.)

4. With what precaution is equivocation to be used? —When we begin, for instance, to say, “*I swear*,” we must insert in a subdued tone the mental restriction, “*that to-day*,” and then continue aloud, “*I have not eaten such a thing* ;” or, “*I swear*,” then insert, “*I say*,” then conclude in the same loud voice, “*that I have not done this or that thing* :” for thus the whole speech is most true.¹

SECTION XII.

COLLUSION OF JUDGES.

HONORATUS FABRI.

Apologeticus Doctrinæ Moralis Societatis Jesu.

Lugduni, 1670.

(Sion College Library, Edition 1672.)

Is a judge bound to restore that which he has received as a bribe for passing an unjust sentence? Some affirm that he is . . .

¹ “Cum incipit verbi gratiâ, dicere *Juro*, interponere submissè restrictionem mentalem, ut *me hodiè*, et deinde addere altâ voce, *non comedisse rem illam* ; vel, *Juro*, et interponere, *me*

The reason is, that a judge cannot receive any thing, either for a just or an unjust sentence. Yet he is bound to restore that which he has received for a just sentence, because the donor is supposed to have given it by compulsion, since he had a right to the just sentence. *But it is otherwise with him who has procured an unjust sentence to which he had no right; for then the judge is not bound to restore, at least until required to do so by a judicial sentence.*¹

JOHN BAPTIST TABERNA.

Synopsis Theologiæ Practicæ. Coloniz, 1736.

Qu. 5.—Is a judge bound to restore the bribe which he has received for passing sentence?

.... *If he has received the bribe for passing an unjust sentence, it is probable that he may keep it This opinion is maintained and defended by fifty-eight doctors.*²

Qu. 6.—May a judge receive presents?

.... Scripture . . . and justice forbid the reception of presents, except of certain provision for eating and drinking which may be consumed in a few days.—(*Pars. II. Tr. 2. c. 31.*)

dicere, tùm absolvere altâ item voce, quod non feci hoc vel illud; sic enim verissima est oratio tota.—*Tom. II. Tr. 25. c. 11. de Juramento, n. 328.*

¹ *Anonymus adversus Anonymum, c. 30.*

² “.... Si autem pro injustâ sententiâ pretium acceperit, probabiliter retinere potest . . . Hanc sententiam tenent et defendunt quinquaginta-octo doctores.”—*Pars. II. Tr. 2. c. 31.*

BUSEMBAUM & LACROIX.

*Theologia Moralis, nunc pluribus partibus aucta à R. P.
 Claudio Lacroix, Societatis Jesu. Coloniae, 1757.*

(Collated with the Edition of 1733 at the British Museum.)

Is a judge bound to restore the bribe which he has received for pronouncing judgment?

Ans.—If he has received it for a just sentence he is bound to restore it, because it was otherwise due to the pleader, and he has therefore received no benefit for his money.

If the judge has received it for an unjust sentence he is not bound by natural right to make restitution, as Bannez, Sanchez, &c. teach, because he was not obliged to pronounce that unjust sentence. But this action is useful to the pleader, and the unjust judge exposes himself to great danger by it, especially in his reputation, if he should be convicted of injustice. *Now the exposure to such danger in the service of another may be valued at a price.*¹

¹ "Hæc autem actio est utilis litiganti, et injustus judex ratione illius subit magnum periculum, præsertim famæ, si de injustitiâ convincatur. Subire autem pro altero tale periculum ad causandum ei utilitatem, est pretio æstimabile."—Tom. IV. Lib. iv. de Judice, c. 3. Dub. 2. Art. 4. Quæst. 268. n. 1498.

SECTION XIII.

THEFT AND SECRET COMPENSATION.

EMMANUEL SA.

Aphorismi Confessariorum. Colonizæ, 1590.

(Collated with the Edition of 1615 in Sion College Library.)

It is not a mortal sin *to take secretly* from him who would give if he were asked, although he may be unwilling that it should be taken secretly; *and it is not necessary to restore.*

It is not theft to take a *small* thing secretly from a husband or a father: but if it be *considerable* it must be restored.

If you have taken any thing which *you doubt to have been your own*, some say that you ought to restore it, *others deny it*; because, in the doubt, *the condition of the possessor is the better.*¹

He who has caused no loss in taking any thing which belonged to another because the proprietor made no use of it, is not bound to restore it if it will not be of any future use to its owner.

He who from any urgent necessity, or without causing much loss, takes wood from another man's pile, *is not obliged to restore it.*

¹ "Si accepisti quod dubitas an tuum esset, debere te restituere quidam aiunt, alii negant, quod in dubio melior sit possidentis conditio."—*Aphorismi*, verbo *Furtum*, n. 7.

He who has stolen small things from any one at different times is obliged to make restitution when they amount together to a considerable sum, *although some persons deny it with probability.*—(*Aphorismi, verbo Furtum, n. 3—8.*)

FRANCIS TOLET.

Instructio Sacerdotum, ac de Septem Peccatis Mortalibus.
Romæ, 1601.

(Sion College Library, Antwerp Edition 1603.)

A man cannot sell his wine at a fair price, either on account of the injustice of the judge, or through fraud of the purchasers who have agreed among themselves to be few in number in order to lower the price: then he may diminish his measure, or mix a little water with his wine, and sell it for pure wine of full measure, demanding the full price, provided only that he does not tell a lie: which if he does, it will neither be a dangerous nor a mortal sin, neither will it oblige him to make restitution.—(*De Septem Peccat. Mort. c. 49. n. 5.*)

VALERIUS REGINALD.

Praxis Fori Pœnitentialis. Lugduni, 1620.

(Sion College Library, Edition 1622.)

Servants may not take the property of their masters secretly and by way of compensation, in pretence that their wages are not equitable; *unless it should in reality appear to be the case in the opinion of an experienced man.*—(*Tom. I. Praxis, Lib. x. c. 18. n. 258.*)

Servants are excused both from sin and restitution if they only take in *equitable* compensation; that is, *when they are not furnished with such things necessary for food and clothing as are usual in other houses and which ought to be provided for similar servants, they only take so much of their masters' property as will compensate for such an injustice, and no more* Among the conditions of a lawful compensation this is one, *that the debt cannot be obtained by any other means.*¹

JAMES GORDON.

Theologia Moralis Universa. Lutetiae Parisiorum, 1634.

(In the University Library at Cambridge.)

Of what value the thing stolen ought to be in order to render the theft a mortal sin compelling restitution.

Some think that the value cannot be accurately defined, but that it must rest upon the opinion of a prudent man depending upon the circumstances of time and place, and on the manner in which the theft has been committed, the injury which has resulted from it, and the quality of the persons, whether they are princes,

¹ "Excusari autem famulos et à peccato, et à restitutione, si capiant in compensationem justam; nempe, qua, cum non administrentur ipsis ad victum et vestitum necessaria, qualia in aliis domibus communiter solent ac debent similibus famulis subministrari; tantum de bonis dominorum accipiant, quantum ad compensationem talis injuriæ requiritur, neque plus Inter condiciones licitæ compensationis, illa una est; quod res debita nequeat aliter quam per eam obtineri."—*Lib. xxv. c. 44. n. 555.* (Tom. II. Moguntiae, 1622. Ed. Coll. Sion.)

rich men, persons in the middle rank of life, or poor.—
(*Tom. I. Lib. v. Qu. 3. c. 2. § 1.*)

A son is sometimes, and even often, to be accounted free from deadly sin and from the necessity of restitution when he robs his father: and sometimes he is reckoned to sin grievously. A son is not accounted to sin mortally, 1. when he has a probable reason for believing that if his father were asked, he would grant him (what he steals) without reluctance; for then the owner is not averse to the *matter*, but to the *manner* of the transaction. 2. If the amount is not thought considerable in respect to his condition. 3. If he steals with the intent to give alms to one who is in great need; for then his parent is not *reasonably* averse to it. 4. If he robs his father to procure an innocent diversion suited to his rank . . . (*Ibid. c. 4. § 1.*)

STEPHEN FAGUNDEZ.

In quinque posteriora præcepta Decalogi. Lugduni, 1640.

(In Sion College Library.)

A useful doubt arises in the case of a son who transacts at a distance his father's business, or always remains with him in the house to sell the goods of his father who is a merchant, whether he may take secretly as much of his father's property in return for his labour and industry as his father would have given to a hired servant for the same labour and occupation; and that too in addition to his father's expense in maintaining him? The reply must be made in the *affirmative*.—(*Tom. II. Lib. vii. c. 3. n. 11.*)

Servants are also bound to restore to their master whatever they have taken beyond their wages and proper food, provided that their masters have not compelled them to fulfil duties over and above those for which they agreed; *for then they may take something more* (provided it be just) for the duty and service which they are compelled to discharge beyond their agreement.—(*Ibid.* c. 11. n. 4.)

FRANCIS AMICUS.

Cursus Theologici, Tomus V. Duaci, 1642.

He who has stolen to a considerable amount is *not obliged under pain of mortal sin to restore the whole*; but it is sufficient if he restore as much as will secure his neighbour from considerable loss: so that if the amount of the theft be *one florin*, the thief is not bound, under pain of mortal sin, *to restore the whole florin*, but it will be sufficient to restore *four or five groats*, by which the material loss occasioned by the theft is removed.—(*Disp.* 38. Sect. 4. n. 47.)

STEPHEN BAUNY.

Somme des Péchés qui se commettent en tous Etats.

Rouen, 1653.

Qu. 10.—Whether from many small thefts one can result which would be a mortal sin? For instance, a penny has been taken from one or more persons at different times; it is asked whether these trifling and

inconsiderable sums taken together, constitute a sin which is mortal? and under what circumstances?

The common opinion is, that the last act of theft, which is necessary to complete the sum which constitutes the mortal sin, may deprive a man of the friendship of God, and that therefore it must be ranked among the number of mortal sins. Thus reason Salas, Filliucius, &c. . . . Yet with their permission I will venture to say, that the last theft, which is supposed to be as inconsiderable as those which have preceded it, *is only venial* . . . For the action takes its nature from the object, and the theft from the injury which is committed, &c. Emmanuel Sa, at the word *Furtum* (n. 8), reasoning upon this ground, says, that it is very probable that he who *per vices pauca alicui est furatus, cum ad notabilem quantitatem pervenerit*, is not obliged, under pain of eternal damnation, to restore any thing . . . And these trifling thefts committed on different days and at different opportunities, against one man or against many, *however great may be the amount which has been stolen, will never become mortal sins.*—(*Des Larcins*, c. 10.)

THOMAS TAMBURIN.

Explicatio Decalogi. Lugduni, 1659.

(Sion College, Edition 1665.)

That a number of small thefts may constitute a mortal sin it is necessary that they should be committed continuously, and that they should not be separated by any considerable intervals of time . . . If four years elapse between the commission of one theft and another it is

accounted by *Rebel* to be a considerable interval one year by Sanchez six months by some, and fifteen days by others.—(*Lib. viii. Tr. 2. c. 3. § 1. n. 3.*)

Compensation of Servants.

Qu. 4.—May servants requite themselves clandestinely when their masters deny them a just remuneration?

Ans.—They certainly may if they refuse them equitable recompense, but only on the conditions described (at § 1.)—(*Ibid. de compensat. occult. c. 5. § 5. n. 1.*)

BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta à R. P. Claudio Lacroix, Societatis Jesu. Coloniz, 1757.

(British Museum, Edition 1733.)

He does not steal who takes in just compensation if he cannot obtain what is due to him by any other means. For instance, if a servant cannot otherwise obtain his lawful wages, or is unjustly compelled to serve for an unjust remuneration.—(*Tom. II. Lib. iii. Pars I. Tr. 5. c. 1. Dub. 1. n. 935. resol. III.*)

If any one prudently presumes that his master would be perfectly satisfied, or knew that he would certainly give (the thing taken) if he were asked, he does not sin greatly in taking it.—(*Ibid. c. 1. Quest. 208. § 2. n. 946.*)

An extremely poor man may steal what is necessary for the relief of his want And what any one may steal for himself he may also steal for another whose indigence is extreme.—(*Ibid. Quest. 211. § 2. n. 950.*)

Lessius, Dicastille and Tamburin add, that he who should prevent another from stealing what he thus required might be killed by such a poor man; as the thief who steals or forcibly retains valuable, or at least necessary things, might be killed, according to what has been said before.—(*Ibid.*)

SECTION XIV.

HOMICIDE.

HENRY HENRIQUEZ.

Summæ Theologiæ Moralis, Tomus I. Venetiis, 1600.

(The Edition in Sion College Library.)

If an adulterer, even although he should be an ecclesiastic, reflecting upon the danger, has entered the house of an adulteress, and being attacked by her husband kills his aggressor in the necessary defence of his life or limbs, *he is not considered irregular.*¹

¹ "Si adulter, etiam clericus, advertens periculum, intravit domum adulteræ, et invasus à marito illius, occidat invasorem pro necessariâ vitæ aut membrorum defensione: *non videtur irregularis.*"—*Lib. xiv. de Irregularitate*, c. 10. § 3.

VALERIUS REGINALD.

Praxis Fori Pœnitentialis. Lugduni, 1620.

(Sion College Library, Edition 1622.)

If you are preparing to give false evidence against me by which I should receive sentence of death, and I have no other means of escape, *it is lawful for me to kill you, since I should otherwise be killed myself*: for it would be immaterial in such a case whether you killed me with your own or by another man's sword; as, for instance, by that of the executioner.—(Tom. II. Lib. xxi. c. 5. n. 57.)

STEPHEN FAGUNDEZ.

In Præcepta Decalogi. Lugduni, 1640.

(Sion College Library.)

Christian and Catholic sons may accuse their fathers of the crime of heresy if they wish to turn them from the faith, although they may know that their parents will be burned with fire and put to death for it, as Tolet teaches . . . And not only may they refuse them food, if they attempt to turn them from the Catholic faith, *but they may also justly kill them*, preserving the conduct of a blameless defence, if they forcibly compel their children to abandon the faith.¹

¹ "Filii Christiani et Catholici possunt accusare patres de crimine hæresis, si eos à fide velint avertere, etiamsi sciant parentes ob id esse igne cremandos et occidendos, ut docet Toletus . . . Nec solum eis poterunt alimenta negare, si eos à fide

It is lawful for us to kill a man, when, if we kill him not, another will kill us.—(*Tom. I. Lib. 5. c. 6. n. 11.*)

If we speak of the case and circumstances in which it is lawful for us to defend our neighbour by killing the man who attacks him unjustly, it seems evidently certain that we may also intrust the same defence and homicide to another.—(*Ibid. c. 7. n. 14.*)

If a judge had been unjust, and had proceeded (in trial) without adhering to the course of the law, then certainly the accused might defend himself *by assaulting, and even by killing the judge*; because . . . in that case he cannot be called a judge, but an unjust aggressor and a tyrant.¹

FRANCIS AMICUS.

Cursus Theologici, Tomus V. Duaci, 1642.

An adulterer taken in the flagrant sin, might defend himself against the husband and father of the adulteress; since they are not considered to attack the adulterer by the public authority . . . (*Disp. 36. Sect. 5. n. 77.*)

catholicâ avertere conentur, *sed etiam eos poterunt justè occidere*, cum moderamine inculpatæ tutelæ, si filios ad deserendam fidem vi compellant.”—*Tom. I. Lib. iv. c. 2. n. 7, 8.*

¹ “Si judex iniquus esset, et processisset, juris ordine non servato, tunc omninò posset reus se defendere, *cum judicis etiam lesione, imò et occisione*, quia . . . nec tunc judex dici potest, *sed injustus invasor et tyrannus.*”—*Tom. II. Lib. viii. c. 32. n. 5.*

It will be lawful for an ecclesiastic, or one of a religious order, to kill a calumniator who threatens to spread atrocious accusations against himself or his religion, when other means of defence are wanting (*Ibid.* n. 118.)

AIRAULT.

Propositions dictées au Collège de Clermont à Paris, par N. Airault, de la Société de ceux qui se disent Jésuites. Collation fait à la requête de l'Université de Paris, 1643, 1644. Paris, 1720.

If you endeavour to ruin my reputation by false impeachment before a prince, a judge, or men of distinguished rank, and I cannot by any means avert this injury of character *unless I kill you secretly*; may I lawfully do it?

Bannez asserts that I may The right of defence extends itself to every thing which is necessary for insuring protection from every injury. Still the calumniator should first be warned that he desist from his slander; *and if he will not, he should be killed, not openly on account of the scandal, but secretly.*¹

¹ "Jus defensionis extendit se ad omne id quod necessarium est, ut se quis ab omni injuriâ servet immunem. Monendus tamen prius esset detractor, ut desisteret; *et si nollet, ratione scandali non esset apertè occidendus, sed clâm.*" — *Cens.* pp. 319, 320.

SECTION XV.

PARRICIDE AND HOMICIDE.

JOHN DE DICASTILLE.

De Justitiâ et Jure, cæterisque Virtutibus cardinalibus.
Antverpiæ, 1641.

It may be asked whether a son is permitted to kill his father who is banished? Many authors affirm that he is, among whom are Bartholomew Gomez and others *Yet what Clarus teaches is more probable, that he is not permitted.* For a son does not on that account cease to be a son, neither is he released from the bond of natural obligation towards his father. Yet, were I to pronounce a decision, if a father were obnoxious to the state and to society at large, and there were no other means of averting such an injury, *then I should approve the opinion of the aforesaid authors.*—(Lib. ii. Tr. 1. Disp. 10. dub. 1. n. 15.)

ANTHONY ESCOBAR.

Theologia Moralis, Tom. IV. Lugduni, 1683.

A son either is obliged, or is not obliged, to support an infidel father who is in extreme necessity, if he endeavours to turn him from the faith.

. . . . I conceive that the latter opinion must be certainly maintained: for catholic sons may accuse their parents of the crime of heresy although they may

know that their parents would be committed for it to the flames, as Tolet teaches They might also refuse them sustenance, *although they should perish for want of food*. Fagundez adds that they might even *kill them with the conduct of a blameless defence*, as enemies who violate the rights of human nature, if they forcibly compel their children to desert the faith; but still that they are not to force them into imprisonment so that they may die of hunger.¹

Since by the civil law a father and husband is permitted to kill his daughter or his wife taken in adultery, the death either may, or may not, be intrusted to others with impunity.

The husband and father certainly *may* intrust it to their children or their servants.

I conceive this to be the *common* opinion in the present day. Many even affirm that fathers and husbands may not only intrust such kinds of homicide with impunity to their children and their servants, but also to any strangers.—(*Tom. IV. Lib. xxxii. Sect. 2. de Præcept. V. Probl. 35. n. 169, 170, 171.*)

¹ "Poterunt etiam eis abnegare alimenta, quamvis accidat inedia deperire. Addit Fagundez eos posse etiam occidere eum moderamine inculpatæ tutelæ, si filios ad deserendam fidem vi compellant, tanquam hostes naturæ humanæ jura violantes, non tamen in vincula trudere ut fame depereant."—*Tom. IV. Lib. xxxi. Sect. 2. de Præcept. IV. Probl. 5. n. 55, 56, 57.*

GEORGE GOBAT.

Operum Morahum, Tomus II. Duaci, 1700.

Father Fagundez (*In Decal. Lib. ix.*) thus expresses himself: "*It is lawful for a son to rejoice at the murder of his parent committed by himself in a state of drunkenness, on account of the great riches thence acquired by inheritance.*"¹

He deduces this doctrine *from a principle which is true*, and of which many are persuaded, namely, that when any benefit results to us from an action which is in itself forbidden, but rendered blameless through a deficiency of deliberation, *we may lawfully rejoice at it*, not only for the benefit, which is in itself clear, but also for the forbidden action; not indeed *because* it is forbidden, but inasmuch as it is the cause or occasion of a happy event. *Vasquez, Tanner, &c.*—(*Tom. II. Pars. II. Tr. 5. c. 9. Sect. 8. n. 54.*)

Since, then, it is supposed on the one hand that the parricide was blameless, as well from deficiency of deliberation caused by drunkenness as through the absence of premeditation; and on the other, that very great riches would result from this parricide, an effect which is either good, or certainly not bad; it follows that the

¹ "Pater Fagundez (*In Decal. Lib. ix.*) sic loquitur: *Licetum est filio gaudere de parricidio parentis a se in ebrietate perpetrato, propter ingentes divitias inde ex hereditate consecutas.*"—*Op. Mor. Tom. II. Pars. II. Tr. 5. c. 9. Sect. 8. n. 54.*

doctrine of Father Fagundez, which may seem a paradox, is true in theory, although it may be dangerous in practice.¹

.... He would be mistaken who should infer from what has been said, that for the sake of such results it would be lawful to desire voluntary drunkenness, or to rejoice in it. *He would more rightly infer, that it is sometimes lawful to desire a blameless drunkenness, by which the great benefit would be produced.* See Caramuel, in *Theologiâ Regulari*.²

CHARLES ANTHONY CASNEDI.

Crisis Theologica. Tom. V. 1719.

I may desire my father's death, either as an evil to my father, which is not lawful . . . or as an advantage to myself; and that in two ways: 1. By rejoicing in the good which I derive from my father's death, or in the death of my father which is as it were *the cause of*

¹ "Cùm igitur, ex unâ parte supponatur, illud parricidium fuisse inculpabile, ob defectum tam deliberationis impeditæ per ebrietatem, quàm prævisionis non antegressæ; ex alterâ autem parte, amplæ opes sint hujus parricidii, effectus vel bonus, vel certè non malus; fit ut illa P. Fagundez doctrina, quæ paradoxa videri possit, veritatem habeat speculativam, etsi practicè periculosam."—*Tom. II. Pars. II. Tr. 5. c. 9. n. 55.*

² ".... Erraret is, qui ex dictis inferret, fas esse ob istòs eventus, optare ebrietatem voluntariam, vel de illâ gaudere. *Rectius inferret, licere optare quandòque inculpatam ebrietatem, ex quâ orietur grande bonum.* Vide Caramuelem, in *Theologiâ Regulari*." (*Ibid.* n. 57.)

so much good. 2. By rejoicing simply in the *good* which I derive from my father's death, and not *in his death* by which I procure the good. In the former manner it is *not* permitted . . . in the latter *it is* : for then I abstract his death and do not rejoice in it ; but I only rejoice in the good which I derive from it.—(*Tom. V. Disp. 13. Sect. 3. Paragr. 4. n. 169.*)

This doctrine should be made familiar, since it is continually occurring to all those who desire a good which they can only obtain by the death of another ; as it commonly happens in every station, in peace or in war, in every secular or ecclesiastical dignity.—(*Ibid. n. 170.*)

SECTION XVI.

SUICIDE AND HOMICIDE.

PAUL LAYMANN.

Theologia Moralis. Wirceburgi, 1748. Lutetiæ
Parisiorum, 1627.

(Sion College Library.)

Although the doctrine of St. Augustine may be true, that it is not in any case lawful for a man to kill himself, *unless God so command it* ; yet still it is not so plainly evident that learned men may not fail to perceive it . . . For the Stoics have maintained that self-destruction in our country's cause is honourable. It is

for this reason that the action of Cato has been often commended, who killed himself at Utica lest he should be compelled to look upon Cæsar the tyrant and conqueror.—(*Lib. iii. Sect. 5. Tr. 3. Pars III. c. 1. n. 3.*)

BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta à R. P. Claudio Lacroix, Societatis Jesu. Colonie, 1757.

(Collated with the Editions of 1733 and 1724 in the Library at the British Museum.)

It is probable that it is never lawful for a private person directly to intend the death of another. Thus St. Thomas, &c. Yet the opposite opinion of many persons who are quoted and followed by Lessius, Diana and de Lugo, is more common, and sufficiently probable for the reasons already adduced . . . (*Tom. II. Lib. iii. Pars I. Tr. 4. c. 1. Dub. 3. Quæst. 181. § 9. n. 821.*)

If Caius has impregnated wine with poison and has placed it before Sempronius with a view to cause his death; but Titius, who is ignorant of the design, takes it, and Caius suffers him to do so lest his crime should be detected; Caius is not really a homicide, neither is he bound to make compensation for the injuries which have been occasioned by the death of Titius; because the death of Titius was not voluntary on the part of Caius, who could not foresee the accident, neither was he bound to prevent it by exposing himself to such great danger.—(*Tom. III. Lib. iii. Pars II. Tr. 5. c. 2. Dub. 6. Quæst. 46. § 3. n. 202.*)

SECTION XVII.

HIGH TREASON AND REGICIDE.

EMMANUEL SA.

Aphorismi Confessariorum. Coloniae, 1590.

(Collated with the Edition of 1615 in Sion College Library.)

The rebellion of an ecclesiastic against a king is not a crime of high treason, because he is not subject to the king.¹

He who tyrannically governs an empire which he has justly obtained, cannot be deprived of it without a public trial: but when sentence has been passed, *every man may become an executor of it; and he may be deposed by the people, even although perpetual obedience were sworn to him, if after admonition given he will not be corrected.*²

¹ "Clerici rebellio in regem, non est crimen læsæ-majestatis, quia non est subditus regi."—*Aphorismi*, verbo *Clericus*. (Ed. Coloniae, 1590.)

² "Tyrannicè gubernans justè acquisitum dominium, non potest spoliari sine publico judicio: latâ verò sententiâ, *potest quisque fieri executor: potest autem deponi à populo, etiam qui juravit ei obedientiam perpetuam, si monitus non vult corrigi.*"—*Aphorismi*, verbo *Tyrannus*, n. 2. (Coloniae, 1615, Sion College Edition.)

ANDREW PHILOPATER.

*Elizabethæ Angliæ Reginae, hæresim Calvinianam propugnantis, sævissimum in Catholicos sui Regni Edictum, quod in alios quoque Reipublicæ Christianæ Principes contumelias continet indignissimas. Per Andræam Philopatrum.*¹ Lugduni, 1593.

(Cambridge University Library, Edition 1592.)

Hence the whole school of theologians and ecclesiastical lawyers maintain (and it is a thing both certain and matter of faith), that every Christian prince, if he has manifestly departed from the Catholic religion and has wished to turn others from it, is immediately divested of all power and dignity, whether of divine or human right, and that too even before the sentence pronounced against him by the supreme pastor and judge; and that all his subjects are free from every obligation of the oath of allegiance which they had sworn to him as their lawful prince; and that they may and must (if they have the power) drive such a man from the sovereignty of Christian men, as an apostate, a heretic, and a deserter of Christ the Lord, and as an alien and an enemy to his country, lest he corrupt others and turn them from the faith by his example or his command.—(*Responsio ad Edictum, Sect. 2. n. 157.*)

¹ A marginal note in the *Extraits des Assertions* (Vol. IV. p. 94) ascribes this work to Robert Parsons, the associate of Campian. *Parsons* wrote under the feigned name of *Doleman*; that of *Philopater* was assumed by the Jesuit *Cresswell*. See *Les Jésuites Criminels de Léze Majesté* (1759), pp. 174, 175.

This true, determined and undoubted opinion of very learned men is perfectly conformed and agreeable to the apostolic doctrine.—(*Ibid.* n. 158.)

JOHN BRIDGWATER.

Concertatio Ecclesiæ Catholicæ in Angliâ adversus Calvinopapistas. Augustæ Trevirorum, 1594.

(In the Bodleian Library at Oxford.)

All kings who have submitted themselves and their sceptres to the mild yoke of Christ, are thereby engaged equally with the rest of the flock to yield to the authority of the church and her pastors.—(*Resp. fol.* 340.)

Zonaras writes, that the Patriarch of Constantinople freely and openly said to *Isaac Comnenus*, that as he had received the empire from his hands, so would he also lose it by his authority unless he governed with dignity and wisdom

On these conditions alone, therefore, are kings received into the communion of the church by the bishops upon divine authority; on these conditions are they anointed and crowned. If they should themselves be the first to break the bonds of their solemn league and oath, and violate the faith which they have pledged to God and to the people of God; *the people are not only permitted, but they are required, and their duty demands*, that at the mandate of the vicar of Christ, who is the sovereign pastor over all the nations of the earth, the faith which they had previously made with such princes should not be kept.—(*Ibid.* fol. 348.)

ROBERT BELLARMINE.

Disputationes de Controversiis Christianæ Fidei, adversus hujus temporis Hæreticos, Tom. I. Ingolstadii, 1596.

(Library of the British Museum, Paris Edition 1608.)

The spiritual power does not blend itself with temporal affairs, but it suffers all things to proceed as they did before they were united, provided they are not opposed to any spiritual object or are not necessary to obtain it. But if any such thing should occur, the spiritual power may and must restrain the temporal power by every mean and expedient which may be considered necessary It may change kingdoms and take them from one to transfer them to another, as a spiritual prince, if it should be necessary for the salvation of souls.¹

Christians may not tolerate an infidel or heretic king if he endeavours to draw his subjects to his heresy or infidelity. But it is the province of the sovereign pontiff to whom the care of religion has been intrusted, to decide

¹ "Spiritualis (potestas) non se miscet temporalibus negotiis, sed sinit omnia procedere sicut antequam essent conjunctæ, dummodò non obsint fini spirituali, aut non sint necessaria ad eum consequendum. Si autem tale quid accidat, spiritualis potestas potest et debet coercere temporalem *omni ratione ac viâ*, quæ ad id necessaria videbitur Potest mutare regna, et uni auferre, atque alteri conferre, tanquàm princeps spiritualis, si id necessarium sit ad animarum salutem."—*Lib. V. c. 6. de Romano Pontifice*, p. 888.

whether the king draws them to heresy or not. *It is therefore for the pontiff to determine whether the king must be deposed or not.*¹

ALPHONSO SALMERON.

Commentarii in Evangelicam Historiam, et in Acta Apostolorum, Tom. IV. Colonie Agrippinæ, 1602.

(Sion College Library, Edition 1612.)

Princes are bound to obey the command of the Pope as the word of Christ; and if they resist he can punish them as rebellious persons; and if they undertake any thing against the church and the glory of Christ, he may deprive them of their empire and kingdom, or he may transfer their dominions to another prince, and absolve their subjects from their allegiance which they owe to them, and from the oath which they have sworn. That the word of the Lord which he spake to Jeremiah the prophet may be true when applied to the Roman Pontiff — “*Behold, I have put my words in thy mouth: See, I have this day set thee over the nations and over the kingdoms, to root out and to pull down, and to destroy and to throw down, to build and to plant.*”²

¹ “Non licet Christianis tolerare regem infidelem aut hæreticum, si ille conetur pertrahere subditos ad suum hæresim, vel infidelitatem. At judicare an rex pertrahat ad hæresim necne, pertinet ad pontificem, cui est commissæ cura religionis. Ergo pontificis est judicare, regem esse deponendum, vel non deponendum.” — *Ibid.* c. 7. p. 891.

² “Pontificis præcepto, tanquàm Christi verbo habent principes obedire; et si resistant, potest eos tanquàm contumaces punire;

FRANCIS TOLET.

Commentarii et Annotationes in Epist. B. Pauli Apost. ad Romanos. Lugduni, 1603.

(Sion College Library.)

Since the spiritual power for the better and more effectual fulfilment of its office, has thought fit to separate certain classes of persons from the secular power, it is indeed rightly done; and the language of St. Paul is not opposed to it, who means that *all men should be subject to the higher powers, but not to the secular powers*: for he does not deny to spiritual ministers the power of exempting all, as many as they shall choose, from the secular power whenever they may deem it expedient.¹

et si in ecclesiam, et Christi gloriam aliquid moliantur, potest eos imperio et regno privare, vel eorum ditiones alteri principi tradere, et eorum subditos ab obedientiâ illis debitâ, et juramento facto absolvere. Ut verum sit in pontifice Romano illud verbum Domini dictum ad prophetam Jeremiam, "*Ecce, dedi verba mea in ore tuo: ecce, constitui te hodiè super gentes et super regna, ut evellas et destruas, et disperdas et dissipas, et ædifices et plantes.*" —Tom. IV. Pars. III. Tr. 4. p. 410.

¹ "Nec adversatur huic Pauli verbum, qui omnes vult esse subjectos potestatibus sublimioribus, non verò sæcularibus: non tamen negat potestatem ministris spiritualibus quando id expedire judicaverint, eximendi quos et quantum eis visum fuerit."—Annot. 2. in cap. xiii. Ep. ad Rom.

ALPHONSO SALMERON.

Commentarii in omnes Epistolas Beati Pauli, et Canonicas,
Tom. XIII. Colonis Agrippinæ, 1604.

(Sion College Library, Edition 1614.)

Peter condemned Ananias and Sapphira to death by the word of his mouth. In like manner the Roman Bishop, the successor of Peter, for the good of his flock, may now take away the life of the body by his word (when other remedies are not sufficient), provided that he only makes use of the word of his mouth without the outward service of his hands; and he may carry on war with heretics and schismatics by means of Catholic princes, and may put them to death. For in commanding him to feed his sheep, (Christ) has given him the power to drive away the wolves and to kill them, if they should be obnoxious to the sheep. And it will also be lawful for the shepherd to depose the ram, the chief of the flock, from his sovereignty over the flock if he infects the other sheep with his contagion and attacks them with his horns.¹

¹ "Petrus Ananiam et Sapphiram ad mortem suo præcepto damnavit. Ità modò Petri successor, Episcopus Romanus, ad gregis sui utilitatem, potest verbo (ubi alia remedia non suppetunt) corporalem vitam auferre, modò id verbo suo absque externo manûs suæ ministerio efficiat; et per principes catholicos bellum hæreticis et schismaticis inferre valet, et illos interficere. Nam præcipiendo oves pascere, dedit illi potestatem arcendi lupos et

JOHN MARIANA.

De Rege et Regis Institutione, Libri Tres.

Moguntiae, 1605.

(Library of the British Museum, Edition 1640.)

It is necessary to consider attentively what course should be pursued in deposing a prince, lest sin be added unto sin and crime be punished by the commission of crime. This is the shortest and the safest way: if a public meeting can be held, to *deliberate* upon what may be determined by the common consent, and to consider as firmly settled and established whatever may be resolved by the general opinion. In which case the following course would be pursued. First of all the prince must be admonished and brought back to his senses. If he should comply, if he should satisfy the state and correct the errors of his past life, I am of opinion that it will be necessary to stop and to desist from harsher measures. But if he refuse the remedy and there remains no hope of cure, it will be lawful for the state, after sentence has been pronounced, in the first place to refuse to acknowledge his empire; and since war will of necessity be raised, to unfold the plans of defence, to take up arms, and to levy contributions

interficiendi, si infesti sint ovibus. Imò etiam arietem, ducem gregis, si alias oves tabe conficiat, et cornibus petat, licebit pastori de principatu gregis deponere."—*In Epist. B. Pauli, Lib. i. Pars. III. Disp. 12.*

upon the people to meet the expenses of the war; and if circumstances will permit and the state cannot be otherwise preserved, by the same just right of defence, by a more forcible and peculiar power, to destroy with the sword the prince who is declared to be a public enemy. And let the same power be vested in any private individual, who, renouncing the hope of impunity and disregarding his safety, would exert an effort in the service of the state. But you will ask, what is to be done if a public meeting cannot be held? which may very commonly happen. In my opinion a similar judgment must be formed; for when the state is oppressed by the tyranny of the prince and the people are deprived of the power of assembling, the *will* to abolish the tyranny is not wanting, or to avenge the manifest and intolerable crimes of the prince and to restrain his mischievous efforts: as, if he should overthrow the religion of the country and introduce a public enemy within the state. *I shall never consider that man to have done wrong who, favouring the public wishes, would attempt to kill him* Thus the question of *fact* which is contested is this, *Who may deservedly be considered as a tyrant?* The question of *right*, *Whether it is lawful to kill a tyrant?* is sufficiently evident

Most men are deterred by a love of self-preservation which is very frequently opposed to deeds of enterprize. It is for this reason that among the number of tyrants who lived in ancient times there were so few who perished by the swords of their subjects Still it is useful that princes should be made to know, that if they oppress the state and become intolerable by their vices and their pollution, they hold their lives upon this

tenure, that to put them to death is not only *lawful*, but a *laudable and a glorious action*.¹

The life of a tyrant is evidently wretched which is held upon the tenure, *that he who should kill him would be highly esteemed, both in favour and in praise. It is a glorious thing to exterminate this pestilent and mischievous race from the community of men.* For putrescent members are cut off lest they infect the rest of the body. So should the cruelty of that beast in the form of man be removed from the state as from a body, *and be severed from it with the sword*.²

There is a doubt whether it is lawful to kill a tyrant and public enemy (the same decision will apply to both) with poison and deadly herbs for we know that it is frequently done In my own opinion, deleterious drugs should not be given to an enemy, neither should a deadly poison be mixed with his food or in his cup with a view to cause his death Yet it will indeed be lawful to use this method in the case in question; not to constrain the person who is to be killed to take of himself the poison which, inwardly

¹ "Est tamen salutaris cogitatio, ut sit principibus persuasum, si rempublicam opprresserint, si vitiis et fœditate intolerandi erunt, eâ conditione vivere, ut non jure tantum, sed cum laude et gloria periri possint."—*Lib. i. c. 6. p. 61.*

² "Miseram planè vitam (tyranni) cujus ea conditio est, ut qui occiderit, in magnâ tum gratiâ, tum laude futurus sit. Hoc omne genus pestiferum et exitiale ex hominum communitate exterminare gloriosum est. Enimvero membra quædam secantur, si putrida sunt, ne reliquum corpus inficiant. Sic ista, in hominis specie, bestię immanitas à republicâ, tanquàm à corpore, amoveri debet, ferroque excindi."—*Lib. i. c. 7. p. 64.*

received would deprive him of life, but to cause it to be outwardly applied by another without his intervention : as, when there is so much strength in the poison that if spread upon a seat or on the clothes¹ it would be sufficiently powerful to cause death.²

JOHN OZORIUS.

Concionum Joannis Ozorii, Societatis Jesu, de Sanctis,
Tomus III. Parisiis, 1607.

The power of the keys is delivered to Peter and to his successors, in which power many things are included. First, to rule the universal church and to appoint bishops in different places ; to preach the gospel throughout the world ; to give, to resume, or to moderate all power ; *to establish kings, and to deprive them of their kingdoms again if they abandon or oppose the preaching of the faith.*—(Tom. III. *Conc. in Cathedrâ S. Petri*, p. 64.)

¹ "Me auctore, neque noxium medicamentum hosti detur, neque lethale venenum in cibo et potu temperetur in ejus perniciem. Hoc tamen temperamento uti in hac quidem disputatione licebit ; si non ipse qui perimitur venenum haurire cogitur, quo intimis medullis concepto pereat, sed exterius ab alio adhibeatur, nihil adjuvante eo qui perimendus est. Nimirum cum tanta vis est veneni, ut sellâ eo aut veste delibutâ, vim interficiendi habeat."—*Lib. i. c. 7. p. 67.*

² It was thus that Squire attempted the life of Queen Elizabeth, at the instigation of the Jesuit Walpole.—*Pasquier, Catéchisme des Jésuites* (1677), p. 350, &c. ; and *Rapin (fol. Lond. 1733), Vol. II. Book xvii. p. 148.*

When it is expedient for the spiritual welfare the Pope can remove rulers, kings and emperors, and can take away their dominions from wicked and disobedient kings who impede the promulgation of the gospel.¹

SEBASTIAN HEISSIUS.

Ad Aphorismos doctrinæ Jesuitarum aliorumque Pontificiorum, Declaratio Apologetica. Ingolstadii, 1609.

This I hold to be the better and more commonly received opinion, that no private person, without the necessity of defending himself or his relations, may attack a legitimate prince before a public sentence has been judicially pronounced by which he is declared a tyrant and an enemy to the state, and is thus deprived of the power which he possessed by those who may lawfully divest him of it. *Cajetan* and *Sotus* confirm this doctrine, and of the theologians of our society *Gregory of Valentia*, *Leonard Lessius*, *Louis Richeome*, *James Gretser*, and others; while they deny that a prince who has the right of reigning may be lawfully killed by a private person, although he should tyrannically oppress the state. Our *Emmanuel Sa* has well and concisely expressed the same thing in his *Aphorismi Confessariorum* at the word *Tyrannus*, n. 2—"He who tyrannically governs a justly acquired empire, cannot be deprived of it (of his dominion, and much less of his life) without a

¹ "Cum expedit spiritualibus, potest papa dominos, reges et imperatores mutare, regna auferre ab impiis regibus, inobedientibus, et publicationem evangelii impediuntibus."—*Tom. III. Conc. in Cath. S. Petri*, p. 70.

public sentence." Here you have *the common opinion of the Jesuits*; and therefore princes are threatened with no danger when they are accounted tyrants in the opinion of the whole people, *if the people follow the advice of doctors and celebrated men* (as Mariana requires), *and they Jesuits*, as you have already heard. I am unwilling to omit *Alphonso Salmeron*, one of the blessed decade of Fathers who were the first-fruits of our society, who enlarges upon this argument in his disputations upon the 13th chapter of the Epistle to the Romans. He thinks that even tyrants who have unjustly oppressed the state, if they are in quiet possession of it, cannot be killed by a private person without divine authority. Others rightly add, *or by command of the public authority, or at least by tacit consent*, as we have already set forth. But the opinion of Father *Alphonso* more fully shews how inimical the Jesuits are against princes.—(*Cap. 3. Aph. 1. n. 97.*)

ROBERT BELLARMINE.

Tractatus de potestate Summi Pontificis in temporalibus, adversus Gulielmum Barclaium. Romæ, 1610.

(Sion College Library, Edition 1617.)

It is not for monks or other ecclesiastics to take away life . . . much less may they destroy kings by treachery. Neither has it been usual for the sovereign pontiffs to restrain princes by such means. It is their custom first to reprove them with paternal correction, afterwards to deprive them of a participation of the sacraments by an ecclesiastical censure, and finally to absolve their

subjects from the oath of allegiance, and to divest them of their royal dignity and authority, if the case require it. *The execution belongs to others.*¹

ANDREW EUDÆMON JOHN.

Apologia pro Henrico Garneto. Coloniae Agrip. 1610.

The Jesuit Hamond is accused of having absolved all the conspirators in the house of Robert Winter, on the Thursday after the conspiracy,² when the rebels had already taken arms in their defence.—(Apol. c. x. art. 2. p. 272.)

Since he does not sin who thinks with probability that what he does is lawful, the confessor has not any just cause for refusing absolution to him who follows a probable opinion, although it may differ from his own opinion and judgment It is very certain moreover that the conspirators who would otherwise have had a clear conscience, had for a long time meditated upon their purpose; they had weighed every reason by which they might persuade themselves that there was nothing in their design contrary to the commands of God; and,

¹ "Non pertinet ad monachos, aut alios ecclesiasticos viros, cædes facere multò autem minùs per insidias reges occidere. Neque summi pontifices consueverunt istâ ratione principes coërcere. Ipsorum mos est, primùm paternè corripere, deindè per censuram ecclesiasticam sacramentorum communione privare, deniquè subditos eorum à juramento fidelitatis absolvere, eosque dignitate atque auctoritate regiâ, si res ità postulat, privare. *Executio ad alios pertinet.*"—*Tract. c. 7. p. 876.*

² The powder-plot.

as they possessed ability, they found many arguments by which to justify themselves and their design Be it then entirely as Coke would have it—that Hamond did absolve the conspirators after they had taken up arms in their defence. I answer, that Hamond believed those reasons to be probable which they produced in favour of their design, and that he could not therefore in justice refuse them absolution although he might not approve their purpose. What fault will Coke find with this?—(*Cap. x. art. 2. p. 274, et seq.*)

As to what the Earl of Salisbury alleged, that when Garnet prayed for the failure of the plot he added this reservation—“*unless it should greatly promote the cause of the Catholics*”—I do not see what it proves. For he might abhor the cruelty of the crime ; and still, because he was ignorant whether by these means God would choose to consult the good of England, might use that reservation. When Christ in the agony of his bloody sweat prayed that the cup might pass from him, he did not dissemble, although he chose that his Father’s will should be done in preference to his own. Why then should not Garnet, although he might have abhorred such a carnage in the state, conceive himself bound to endure it if it were ultimately to prove extremely beneficial to the church?—(*Cap. 12. art. 1. p. 319.*)

JAMES KELLER.

Tyrannicidium, seu scitum Catholicorum de Tyranni internecione. Monachii, 1611.

(The Edition in the Library of the British Museum.)

The theologians generally enquire whether it is lawful for a private person to kill a tyrant. Lest we involve ourselves in obscurity we will distinguish two kinds of tyrants. There are some who invade foreign kingdoms with hostile forces, who ravage and destroy with the fire and the sword against all equity and justice, who plunder peaceful citizens and violate all laws both human and divine. According to the opinion of many and most excellent theologians, these (tyrants) may certainly be put to death by any one who has the courage and inclination to kill them.

Tyrants of the other kind who obtain their kingdom or empire either by succession or election, or by any other right, who are legitimate rulers and are accounted to be so, may never be killed by any man, whether citizen or foreigner.

But you will ask, what relief can be afforded to a wretched country oppressed by insufferable cruelty, and what remedy can be applied to the removal of this excessive destruction? They who carefully consider these things reply, that a tyrant of this kind either fears a superior power or feels the superiority of his own. If there is another to which he is inferior, recourse must be had to the superior government and succour must be

implored; with a good government there will be the inclination, and with a powerful, the force, to restrain such a man

But if the tyrant cannot be summoned to a higher tribunal, the *Thomists* advise, that in such an extreme state of things he should be deposed If you ask whether a tyrant as soon as he is deprived of his dignity may be put to death by any man? know, that according to the opinion of approved authors his situation is precisely the same as that of other criminals, and he must be similarly tried, that the course of justice may not be transgressed. Therefore he must himself be heard, unless the atrocity of his actions should have previously proclaimed his guilt, so that no one can doubt that he has exceeded in wickedness, and that it only remains for him to suffer punishment.

The Jesuits, you will say, should have remembered the apostolic rule, *not to do evil that good may come*. What do I hear of the word of God? Where does it entirely forbid all killing? In the fifth commandment you will say. Well! but what if I should tell you on the other hand, that the fifth commandment is so encompassed with formidable difficulties *that no one can keep it*: what would become of him who should violate it? You would not inflict any punishment upon him? If you did you would become a tyrant, and would punish a fault which an unfortunate could not avoid.—(*Tyrannicidium, Quæst. 2. p. 20, et seq.*)

NICHOLAS SERRARIUS.

*Commentarii in sacros Bibliorum Libros. Lutetiae
Parisiorum, 1611.*

(Sion College Library.)

Quest. 1.—*Was it lawful for Ehud to kill the tyrant
Eglon?*

Some maintain that it was lawful for him to do so for this reason only, because he was preternaturally moved to it by God

Others assent to the opinion that Ehud acted rightly, because he was moved to it by God; yet not for that reason only, but also because it is according to the course of the common law thus to act against tyrants . . .

If I wished to enquire which of these two opinions is the more true, it would be necessary that I should discuss the question—“*Is it lawful to kill a tyrant?*” But *the sovereign tyrant?* Time, the destroyer of all things, forbids me to touch upon the subject.—(*In Lib. Judicum, cap. 3. Quæst. 1. p. 92.*) .

JOHN OF SALAS.

*Tractatus de Legibus in primam secundæ S. Thomæ.
Lugduni, 1611.*

(Library of the British Museum.)

Since God alone is the Lord of life and death, the state cannot upon its own authority invest princes with the power of legislation and government, in which

the power of executing malefactors is included; but God alone can do so. Yet this last assertion is frivolous; for, as you affirm that this power is imparted unto kings by God, I will affirm that it is imparted by God, as the Author of nature, to the state; and that the state may grant the power unto kings, as it also possesses from its very nature the right of deposing a tyrant from the sovereignty, and even, if it cannot otherwise expel him, of putting him to death . . . See also Mariana, *De Regis Institutione*, c. 8.—(*Tract. de Legibus*, Quæst. 95. Tr. 14. Disp. 7. Sect. 2. n. 17.)

GABRIEL VASQUEZ.

*Commentariorum ac Disputationum in primam secundæ
Sancti Thomæ, Tomus II. Ingolstadii, 1612.*

(Sion College Library, Antwerp Edition 1621.)

If all the members of the royal family are heretics a new election to the throne devolves to the state. For all his (the king's) successors could be justly deprived of the kingdom by the pope, because the preservation of the faith, which is of greater importance, requires that it should be so. But if the kingdom were thus polluted, the Pope as supreme judge in the cause of faith might appoint a Catholic king for the good of the whole realm, and might place him over it by force of arms if it were necessary. For, the good of the faith and of religion requires that the supreme head of the church should provide a king for the state.¹

¹ "Si omnes de stirpe regiâ hæretici sint, tunc devolvitur ad regnum nova regis electio. Nam justè à pontifice omnes illi

BENEDICT JUSTINIAN.

In omnes B. Pauli Apost. Epistolas Explanatum,
Tomus I. Lugduni, 1612.

(In the Bodleian Library at Oxford.)

Except the ecclesiastical power there is no other power among men which has received its strength and authority directly from God, and which can affirm with truth that it may lawfully act by divine authority.—
(*In Epist. ad Rom. c. xiii. v. 2.*)

FRANCIS SUAREZ.

Defensio Fidei Catholicæ et Apostolicæ. Coloniae
Agrippinae, 1614.

(Sion College Library.)

Augustine (*de Civitate Dei*, Lib. v. c. 19) reckons Nero among those tyrants who are sometimes permitted by God to reign: thus interpreting the passage of the Book of Proverbs—"By me kings reign and princes decree justice: by me princes rule and nobles, even all the judges of the earth." (c 8. v. 15, 16.) And every prince

successores regno privari possunt, quia bonum fidei conservandæ, quod majoris momenti est, ita postulat. Quod si etiam regnum infectum esset, pontifex, ut supremus iudex in causâ fidei, assignare posset catholicum regem pro bono totius regni, et ipsum vi armorum, si opus esset, introducere. Nam bonum fidei et religionis hoc exposcit, ut supremum ecclesiæ caput tali regno de rege provideat."—*Disp.* 169. c. 4. art. 5. n. 42 et 43.

in Christendom must be reckoned among the number who leads his subjects to heresy, or to any other kind of apostacy or public schism.¹

After a king has been lawfully deposed he is no longer king or lawful prince . . . and if such a king should persevere in his obstinacy after legitimate deposition, and retain his kingdom by violence, he begins to bear the title of tyrant.—(*Lib. vi. de Formâ Juram. Fidel. c. 4. n. 14.*)

After sentence has been pronounced he is entirely deprived of his kingdom, so that he cannot hold it by any just title. He may therefore from that time be treated in all respects as a tyrant, *and he may consequently be killed by any individual.*—(*Ibid.*)

Thus (said James, King of England, as in derision of Bellarmine) a new and excellent sense has been attached to these words of Christ, "*Feed my sheep*," as if they had conveyed this meaning, *Destroy, proscribe, and depose Christian kings and princes* . . . Bellarmine, therefore, *and we all who in this cause are as one*, do not immediately and directly prove from these passages the primacy of Peter in civil or temporal matters . . . Let not the King of England say that the words, "*Feed my sheep*," are explained by us as if they meant, *Destroy*,

¹ "(Talis fuit Nero), quem inter tyrannos, quos Deus interdum dominari permittit, numerat Augustinus (*Lib. v. de Civitate Dei, c. 19*): sic legens illud Proverbiorum 8.—*Per me reges regnant, et tyranni per me tenent terram.* Et inter Christianos maximè est in hoc ordine numerandus princeps, qui subditos suos in hæresim, vel aliud apostasiæ genus, vel publicum schisma inducit."—*Lib. vi, de Formâ Juramenti Fidelitatis, c. 4. n. 1.*

proscribe, and depose Christian princes : for no Catholic has said this. But if he desires to know what is true and faithfully attested, we say that among many other things which are comprised in these words and in the power which they convey *this also is included, Destroy, proscribe, depose heretic kings who will not be corrected, and who are injurious to their subjects in things which concern the Catholic faith.*¹

JOHN LORIN.

Commentariorum in Librum Psalmorum, Tomus III.
Lugduni, 1617.

(Sion College Library, Edition 1619.)

We ought to be assured that it is not lawful for an individual to attack a tyrant, except in the case in which any² man may be attacked by another, namely,

¹ "Sic (ait Jacobus Rex Angliæ, quasi Bellarminum irridens) novum et egregium, scilicet, sensum his Christi verbis affinxit, *Pasce oves meas*, &c. quasi hoc significarent, *Tolle, proscribere, abdica Christianos principes atque reges* Bellarminus ergo, et nos omnes, qui in hac causâ unum sumus, ex illis locis non probamus proximè et immediatè primatum Petri in civilibus, seu temporalibus Non dicat ergo rex Angliæ, verba, *Pasce oves meas*, ita à nobis exponi ac significarent, *Tolle, proscribere, abdica Christianos principes* : hoc enim nullus Catholicus dixit. Si autem, quod verum est, sincerè testatum cupit, *Dicimus*, inter alia multa quæ in illis verbis et potestate per ea datâ continentur, etiam illud esse, *Tolle, proscribere, abdica hæreticos reges, qui emendari nolunt, et subditis suis in rebus ad fidem Catholicam pertinentibus perniciosi sunt.*"—*Lib. iii. c. 11. n. 4, 5, 6.*

² "Nisi ut *cujus afferrî*," &c. (*Ed. Lugd. 1617.*) In the *Extrait des Assertions* there is the following marginal note upon

in the necessary defence of person and life.—(*In Psalm. 105. v. 30.*)

Since Peter had more zeal than the rest of the apostles when he struck the servant of the high priest, *it is for this reason among others we may conceive, that the sovereign priesthood was committed to him by Christ.* And, if the comparison be admissible, *we may affirm that Ignatius was chosen to be the General of our Order because he would kill a Moor who had blasphemed.*¹

ANTHONY FERNANDIUS.

Commentarii in visiones Veteris Testamenti. Lugduni, 1617.

(Sion College Library.)

It is said in the fourteenth chapter of the Book of Proverbs: "*In the multitude of people is the king's honour:*" for no one is called a king for any quality inherent in himself, but on account of the preference wherewith the people have chosen him; which must be entirely referred to the popular good-will And certainly their (the king's) body is neither planted, nor

these words: "*Sic legitur in textu; videtur tamen legendum—ut cuius afferrī,*" &c. The same note is also applicable to the edition of 1619, which has been consulted in the library at Sion College.

¹ "*Quoniam suprà cæteros Apostolos zelus in Petro fuit quando percussit principis servum, propterea inter alias causas summum Sacerdotium ei a Christo delatum existimari potest. Et si quis comparationi locus est, idcirco Ignatium delectum ordinis nostri ducem affirmare possumus, quia blasphemum Maurum voluit trucidare.*"—*In Psalm cv. v. 31.*

fixed, nor rooted in the earth. For they have not the royal dignity vested in themselves, but in another, namely, *in the opinion and good pleasure of the multitude*, as has been said before It is for this reason that Daniel beheld the kingdoms in a vision; *because (monarchies) are nothing more than ridiculous exhibitions, having no value in them beyond a fictitious pomp.*¹

ANTHONY SANCTARELLE.

Tractatus de hæresi, schismate, apostasiâ, sollicitatione in Sacramento Pœnitentiæ, et de potestate Romani Pontificis in his delictis puniendis. Romæ, 1625.

(In the University Library at Cambridge.)

As the power of punishing such persons with temporal punishment, even with death, was granted unto Peter for the correction and example of others; so must it also be believed, that the power of punishing with temporal penalties those who are transgressors of the divine and human laws has been conceded to the church and her sovereign pastor It was said to Peter and to his successors, "*Feed my sheep.*" Now it is the province of shepherds to punish their sheep with that punishment with which just reason may determine

¹ "Quia dignitatem regiam non habent radicatam in se, sed in alio, videlicet, in ipsâ opinione et beneplacito multitudinis, ut suprâ dictum est Monstratas ideò monarchias in somniis (videt Daniel), quia nihil amplius sunt, quàm phantasmata ludicra, nihil rei habentia, præter fictitiâ pompam."—*Visio 21 Danielis*, c. 2. Sect. 2. n. 3 et 4.

that they ought to be punished: if therefore, for the general good of the church, prudence and right reason require that disobedient and incorrigible princes be punished with temporal penalties and deprived of their kingdom, the sovereign pastor of the church may impose those penalties upon them; for princes are not without the fold of the church.¹

CORNELIUS À LAPIDE.

Commentaria in Acta Apostolorum et in Epistolas canonicas.
Lugduni, 1627.

(Sion College Library, Antwerp Edition 1627.)

The priestly kingdom of the church is apparent, first, in bishops and in episcopacy But chiefly is it apparent in papacy and in the sovereign pontiff, a vast and ample power extending itself over the whole world, by which he commands kings (whence suppliant princes

¹ "Sicut Petro fuit concessa facultas puniendi pœnâ temporali, imò etiam pœnâ mortis, dictas personas, ob aliorum correctionem et exemplum; sic etiam credendum est, ecclesiæ summoque ejus Pastori concessam esse facultatem puniendi pœnis temporalibus transgressores legum divinarum et humanarum Petro ejusque successoribus dictum est, *Pasce oves meas*: sed ad pastores pertinet punire suas oves eâ pœnâ, quâ recta ratio judicat esse illas puniendas; ergo si propter bonum commune ecclesiæ, prudentia et recta ratio exigit, ut principes inobedientes et incorrigibiles pœnis temporalibus afficiantur, regnoque priventur, potest summus ecclesiæ pastor illas pœnas imponere; nec enim principes sunt extra ovile ecclesiæ."—*Tractatus de hæresi*, c. 30. *Dub. unic. § 5.*

prostrate themselves before him and place their sceptres at his feet), and can deprive of their dominions kings who have rebelled against the church, as he often has deprived them.—(*In 1 Epist. S. Petri, c. 2. v. 9.*)

LEONARD LESSIUS.

De Justitiâ et Jure, cæterisque virtutibus cardinalibus.
Parisiis, 1628.

(Sion College Library, Antwerp Edition 1621.)

The sovereign pontiff, as the vicar of Christ and the superior of Christendom, can directly annul and remit every obligation contracted with another upon the faith of an oath, when there is sufficient cause for it; which remission is as valid as if the person in whose behalf the oath had been sworn, himself had made it.¹

The punishment of a guilty person and the precaution which is necessary against dangers to be apprehended from him, are very often a sufficient cause for annulling the oath which had been lawfully made and exacted. In this manner the oath is annulled by which subjects are bound to their prince or other superior, when the prince, on account of some crime, is lawfully deprived by the sovereign pontiff, or his superior, of

¹ "Summus pontifex, ut Christi vicarius et omnium Christianorum superior, potest immediatè tollere et condonare omnem obligationem ex juramento promissorio ortam erga aliquem, quando justa causa subest; quæ condonatio non minus efficax est, quàm si ipse promissarius, in cujus favorem juramentum erat, eam fecisset."—*Lib. ii. de Juram. c. 42. dub. 12. n. 64.*

the dignity or office in virtue of which the oath had been sworn to him, or when he is restrained from the exercise of his official functions.¹

PETER ALAGONA.

Sancti Thomæ Aquinatis Summæ Theologiæ Compendium.
Lutetiæ Parisiorum, 1620.

Quest.—Does a prince, by reason of his apostasy, lose his sovereignty over his subjects so that they are no longer bound to obey him?

*Answ.—*No; because sovereignty and infidelity are not incompatible and may subsist together; but the church can deprive him of his sovereignty by a decree. Wherefore, as soon as he is declared excommunicate on account of his apostasy from the faith, his subjects are absolved from the oath of allegiance.²

¹ "Sæpè etiam justa causa relaxandi juramenti etiam debito modo præstiti et exacti, est punitio delinquentis, et cautio periculorum quæ ab ipso impendent. *Hoc modo relaxatur juramentum subditorum quo obstricti sunt suo principi, vel alteri superiori;* quandò ille ob crimen per summum pontificem, vel aliàs per suum superiorem legitimè privatur dignitate vel officio, ratione cujus ei præstitum erat juramentum, vel quandò suspenditur ab officii sui executione."—*Ibid.* n. 65.

² "*Resp.—*Non, quia infidelitas et dominium non pugnant, et possunt esse simul; sed potest ecclesia eum privare dominio per sententiam. Quare, statim ac aliquis denunciatur excommunicatus propter apostasiam à fide, ejus subditi sunt absoluti à juramento fidelitatis."—*Ex Secuudâ Secundæ, Quest.* 12.

JOHN DE DICASTILLE.

De Justitiâ et Jure, cæterisque virtutibus cardinalibus.

Antverpiæ, 1641.

That the clergy are exempt from lay-power even in temporal things, is thus proved: no man is directly subject unto one who has not any jurisdiction over him . . . but the lay-prince has no jurisdiction over the clergy or ecclesiastics . . . It is proved, secondly, in this manner: he to whom another is subject can punish him when his authority seems useless without the exercise of restraint . . . But a secular prince cannot punish ecclesiastics . . . therefore ecclesiastics are not subject to lay-princes.—(*Lib. ii. Tr. 1. Disp. 4. Dub. 8. de Judicio prout Actus Justitiæ, n. 126.*)

The clergy are exempt from lay-power, not only by human, civil and canonical law, but also by the divine law.—(*Ibid. n. 128.*)

JOHN DE LUGO.

Disputationes Scholasticæ et Morales, de virtute Fidei Divinæ.

Lugduni, 1656.

(Cambridge University Library, Edition 1646.)

Christ is a sovereign prince who sends forth preachers. His ambassadors may therefore restrain those who impede their preaching by virtue of the power contained in the commission which is intrusted to them. For every state, especially when it possesses supreme authority,

as the church, may defend its rights against those who unjustly attempt to oppose and violate them.¹

When, therefore, an infidel prince opposes the preaching of the gospel in his dominions he wrongs his subjects . . . and the church may undertake their defence and repel the injury which is done them, by constraining the infidel prince in every possible manner to permit the preaching of the faith . . . (*Disp.* 19. *Sect.* 2. § 1. n. 39.)

Every sovereign state possesses the right of sending ambassadors of peace to other princes; and if they are ill-treated or abused they may be defended by their own prince or the state, and revenge may be taken proportioned to the injury which has been done to them. The church may therefore exercise the same right . . . a prince who opposes preachers is, in that respect, a tyrant; and he may therefore be compelled by the church to desist from the practice . . . (*Ibid.* n. 40.)

Secular princes do not possess the right of compelling infidels to suffer preaching and of punishing those who resist; for this right is vested in the church . . . The sovereign pontiff exercises this power when he commits the charge to faithful princes, and deposes them, as it were, to protect the preachers of the faith in the provinces of infidels, and to restrain those who oppose them

¹ "Christus prædicatores mittens est princeps supremus. Ergo ejus legati possunt quoslibet prædicationem impediētes coercere ex potentiâ imbibitâ in ipso legationis munere sibi commisso. Quælibet enim respublica, præsertim habens potestatem supremam, qualis est ecclesia, potest tueri jura sua adversus eos, qui ea violare et impedire injusté conantur."—*Disp.* 19. *Sect.* 2. § 1. n. 38.

.... It was thus that Alexander VI. divided the Indian provinces between the kings of Castille and Portugal, by allotting to them the right and care of defending the preachers of the faith, and of restraining those who unjustly resisted them, that they might respectively exercise this power in the provinces and districts which were assigned to them.—(*Ibid.* n. 49.)

Hurtado assents to this doctrine. He adds moreover that the Pope, because he is at the same time a temporal king, may carry on war against infidels in those cases in which other Christian princes might do so upon his authority: wherefore also he might raise an army and direct it by his command¹. . . . Although the ministers of the gospel ought not strictly to defend themselves with force by attacking and killing their adversaries, yet it may sometimes be expedient to do so for the greater advantage of the faith. For what if a petty king should oppose the conversion of a vast kingdom or empire by imprisoning and persecuting the preachers who have been sent for that purpose? They might not only escape by flight but they might also overpower their guards, or they might liberate themselves and continue the work which they had begun, provided the sovereign pontiff did not withhold his permission.—(*Ibid.* n. 50.)

¹ "Addit tamen, posse papam, *quia est simul rex temporalis*, bellum infidelibus inferre, quando scilicet alii principes Christiani ex ejus commissione possent: quare posset tunc exercitum cogere, illumque jure suo mittere."—*Disp.* 19. *Sect.* 2. § 1. n. 50.

ANTHONY ESCOBAR.

Liber Theologiæ Moralis, viginti quatuor Societatis Jesu Doctoribus reseratus, quem R. P. Antonius de Escobar et Mendoza, è Societate Jesu Theologus, in Examen Confessariorum digessit, addidit, illustravit. Lugduni, 1659.

(In the Library of the British Museum.)

What is sedition? The disagreement of citizens: a special offence against charity. If the state is drawn away from its obedience to the prince, it is a crime of high treason. If it extends but to the deposition of magistracy, it is only sedition. But when it is in opposition to a tyrant it is not a sin, neither is it properly sedition; because a tyrannical government is not directed to the general good.¹

JAMES PLATEL.

Synopsis Cursûs Theologici. Dvaci, 1679.

Since secular princes, without the privilege or consent of the sovereign pontiff, have no power over the persons of the clergy . . . the latter cannot be punished by them.—(*Pars II. c. 5. § 5. n. 466.*)

¹ "Quidnam est seditio? Civium dissentio; speciale crimen contrà charitatem. Quod si fiat, ut civitas ex obedientiâ principis abstrahatur, crimen est læsæ-majestatis. Si autem ad deponendum magistratus, solummodò seditio est. Porro contra tyrannum, nec peccatum est, nec propriè seditio; quia tyrannica gubernatio ad commune bonum non dirigitur."—*Tract. V. Examen 5. c. 5. n. 69.*

LOUIS MOLINA.

De Justitiâ et Jure. Moguntiæ, 1602.

(Sion College Library, Edition 1614.)

The spiritual power of the sovereign pontiff applied to a spiritual purpose, possesses as it were by necessary consequence supreme and ample jurisdiction over all princes and others who are within the church, precisely to as great an extent as the spiritual object may require for which the spiritual power is ordained. Therefore if the spiritual end require it, the sovereign pontiff can depose kings and deprive them of their kingdoms. He may also judge between them in temporal things, invalidate their laws, and accomplish all things among Christians which may be considered necessary for a spiritual purpose and for the common safety, not by every kind of means, but simply as it should seem expedient in the judgment of a learned man : he may do it, not only by compulsory censures, but also by outward penalties and by force of arms, in the same manner as any other secular prince. Yet it may generally be expedient that the sovereign pontiff should accomplish it, not of himself but by means of secular princes.¹

¹ "Si id exigat finis supernaturalis, potest summus pontifex deponere reges, eosque regnis suis privare. Potest etiam inter eos judicare de rebus temporalibus, legesque eorum infirmare, et reliqua omnia inter Christianos omnes exequi, quæ ad supernaturalem finem, salutemque communem spiritualem, non utcumquè, sed simpliciter prudentis arbitrio judicata fuerint necessaria; idque non solum censuris ad id cogendo, sed etiam

JOHN BAPTIST TABERNA.

Synopsis Theologiæ Practicæ. Coloniae, 1736.*Are ecclesiastics subject to the civil laws?*

As to the *directive* power, ecclesiastics are bound, indirectly at least, by the common laws of the state in which they live, if their substance relates to them and does not contain any thing unsuited to their state, to the sacred canons, or to the immunity of the church.

I have said, *as to the directive power*; because secular princes, upon their own authority and without any privilege or consent ceded by the sovereign pontiff, have no *compulsive* power over the clergy; but when the latter do any wrong they ought to be punished by their own superiors.—(*Tom. I. Tr. 4. c. 5.*)

JAMES GRETSER.

Opera Omnia. Tom. VII. *Defensio Romanorum Pontificum.*
Ratisbonæ, 1736.

The first (proposition) is, that secular princes have no power over the clergy who dwell in their dominions, either by divine or human right. This proposition, says Marsilius, is found in the answer of Bellarmine to the eight propositions, *Propos. I. § 1, &c.*¹

penis externis, ac vi et armis, non sècus ac quivis alius princeps sæcularis. Tametsi ut plurimum expediens sit, summum pontificem non per se, sed per principes sæculares id exequi.”—*Tom. I. Tr. 2. Disp. 29. n. 23.*

“*Prima est (propositio) principes seculares nullam habere potestatem suprà clericos habitantes in suis dominiis, neque de*

The clergy ought indeed to be subject to the higher powers; *but to their own*, and to those which are suited to their state, that is, to the ecclesiastical powers.¹

The clergy should also be obedient to the laws of princes, which they enact *with the assent and concurrence of the ecclesiastical magistrate*.²

All men who are under the jurisdiction of the king should know that they will be punished by the king if they commit a punishable offence. *But the clergy do not belong to the king's jurisdiction*. Therefore the exhortation of the synod has no reference to them.³

What the Apostle says of the payment of tribute relates to those who are subject to the secular power, not to those who are not subject to it Thus the clergy ought not to pay it, because they are not subject to the civil magistrate Let him, therefore, pay tribute from whom tribute is due If nothing is due, he is not obliged to pay.⁴

jure divino, neque de jure humano. Hæc propositio, inquit Marsilius, habetur in responsione Bellarmini ad octo propositiones. Propos. I. § 1, &c.—*Tom. VII. Lib. i. Consid. p. 450, G.*

¹ “*Reverâ etiam clerici debent esse subjecti potestatibus sublimioribus: sed suis, et statui suo convenientibus, hoc est ecclesiasticis.*”—*Ibid. Lib. ii. Consid. 3. p. 467.*

² “*Item clerici obedire debent legibus principum, quas ferunt, annuente et consentiente ecclesiastico magistratu.*” *Ibid. p. 468, C. & D.*

³ “*Omnes qui ad jurisdictionem regis pertinent, scire debent, se à rege punitum iri, si culpam castigabilem admittant. At clerici non pertinent ad regis jurisdictionem. Nihil igitur ad illos hæc synodi exhortatio.*”—*Ibid. p. 468, E.*

⁴ “*Quæ de tributis Apostolus memorat, pertinent ad illos qui potestati sæculari subjiciuntur, non ad non subjectos Sic et*

It will not be found in any Catholic author that a pope can be deposed by an emperor; *but that emperors may be deposed by the pope, will be found in many.*¹

JAMES GRETSER.

Opera Omnia. Tom. XI. *Defensio Societatis Jesu.*
Ratisbonæ, 1738.

It is a question in the schools, *Whether it is lawful to kill an innocent person?* Whether &c. . . . What harm, I pray you, is there in these questions? Or what do they contain contrary to the public peace and tranquillity? Certainly if the question, "*Is it lawful to kill a tyrant?*" be seditious, the question, *Is it lawful to kill an innocent person?* will be much more seditious. A question is neither an affirmative nor a negative, but simply an enquiry. And to put a question has nothing to do with sedition². . . .

clerici pendere non debent; quia non sunt civili magistratui subjecti Ergo qui tributum debet, is reddat tributum Si nihil debet, nihil ergo tenetur reddere."—*Ibid.* p. 477, D. & E.

¹ "In nullo enim auctore Catholico invenietur, papam ab imperatore deponi posse: *benè autem imperatores a papâ.*"—*Ibid.* p. 484, B.

² "Quæritur in scholis, *utrùm liceat occidere innocentem?* utrùm, &c. . . . Quid, oro, criminis in his quæstionibus? Quid seditionis? Quid publicæ quieti et paci adversum? Certè si quæstio, *utrùm liceat occidere tyrannum*, seditiosa est, multò magis seditiosa erit illa quæstio, *utrùm liceat occidere innocentem* Quæstio nec affirmat, nec negat, sed quærit. Quærere non pertinet ad seditiones." . . . Tom. XI. *Append. ad Apol.* p. 316, H. p. 316, A.

The preacher adds—that the Jesuits in this question incline to the affirmative rather than to the negative, their writings sufficiently shew. We do not only incline, but most willingly adhere to the part which has been chosen by St. Thomas and others, who reply to this question by a distinction. In conformity with their doctrine a Jesuit of great celebrity¹ has thus written . . . “(*A prince*) is either a tyrant, not because he has unjustly usurped his power, but because he makes a bad use of his otherwise legitimate authority in the administration of his government; or else he is a tyrant through the power which he has forcibly usurped . . . If he were a tyrant of the latter kind, any man might kill him.” . . . Thus far this writer. You may perceive from his words, what has been condemned by the Council of Constance.²

A king is not a tyrant, especially if we use the appellation of tyrant in the latter sense, and a tyrant is not a king . . . Lest you should be anxious about the death of *John Guignard*, know that it must be

¹ Gregory of Valentia.—*Tom. III. Disp. 5. Qu. 8.*

² “Addit prædicans, *Jesuitas in hac questione, potius ad partem affirmantem, quàm ad negantem inclinare, satis indicant illorum scripta. Non modò inclinamus ad illam partem, sed illam partem libentissimè amplectimur, quàm amplectitur S. Thomas . . . et alii, qui ad hanc questionem respondent cum distinctione. Ex quorum doctrinâ hunc in modum scribit quidam magni nominis Jesuita; Vel est tyrannus, non per arrogatam sibi injustè potestatem, sed solùm per prævum legitimæ aliòquin autoritatis usum in gubernando; vel est tyrannus per arrogatam potestatem, quàm vi obtineat . . . Si autem esset tyrannus secundo modo, quilibet posset eum occidere. Hæc ille. Ex cujus etiam verbis habes, quidnam Concilium Constant. damnaverit.*”—*Ibid. p. 316.* D. E. F.

ascribed to *the times, and not to his guilt*. You will never be hanged if you continue *as innocent* as he was. —(*Tom. XI. Append. ad Apol. p. 317, A.*)

But if the pontiff were to expel a prince from the kingdom lest he should pervert his subjects with his heresy, then I freely confess that we unite our judgment to that of the Pope, and we conceive it better that the Catholic religion should be preserved sound and entire than that it should be destroyed. . . . And it was for this reason and no other that our society, and a vast number of persons of every rank and condition in France, opposed themselves to Henri IV., when as yet he had not become reconciled to the church by renouncing his heresy.¹

. . . . We are not so timid and faint-hearted that we fear to affirm openly that the Roman pontiff can, if occasion require, absolve Catholic subjects from their oath of allegiance, if the prince should use them tyrannically and destroy the true religion; and we add moreover, that if it be done discreetly and circumspectly by the pontiff, *it is a meritorious work.*²

¹ "At si pontifex aliquem ob hæresim à regno arceat, ne subditos in hæresim inducat, tum liberè fateor nos nostrum iudicium ad pontificis iudicium aggregare, satiusque reputare, ut Catholica religio sarta tecta præstetur, quam ut evertatur. . . . Et hoc respectu, non ullo alio, opposuerunt se nostri, et infiniti alii omnis dignitatis et conditionis in Galliâ Henrico IV. cùm adhuc cum ecclesiâ in gratiam non rediisset, relictâ hæresi."—*Ibid. Defens. Apol. Gallic. p. 329, A. B.*

² "Tam timidi et trepidi non sumus, ut asserere palàm veremur Romanum pontificem posse, si necessitas exigat, subditos Catholicos solvere juramento fidelitatis, si princeps tyrannicè illos

Mariana (*De Regis Institutione, Lib. i. cap. 6*), argues concerning tyrants, of whom there are two kinds; the former, consisting of those who forcibly seize and retain the territories of others against all law and justice . . . the latter, of those who indeed are lawful princes but who afterwards convert their legitimate power into tyranny Of the tyrant of the former kind there is no difficulty in speaking. It is chiefly concerning the tyrant of the latter that there is much discussion . . . : Say then, scribbler, Is every prince who refuses to obey the Roman pontiff a tyrant of the former or of the latter kind? Do the Jesuits determine this? Has every such prince been declared, by a judicial sentence, an enemy and oppressor of his country, and, as a violator of all justice and equity, has he been delivered over unto death, to suffer it at the hand of every man, even of a private individual? *This is what Mariana requires, that a tyrant of the latter kind may be killed by a private person; or at least, that if such a judicial sentence cannot be pronounced, the common voice of the people may, with the consent and approval of learned men, proclaim this or that prince to be a tyrant.*¹

Heissius observes, that the latter part of this opinion is peculiar to Mariana. The more common opinion is,

tractet, veramque religionem extirpet; et addimus, si hoc à pontifice prudenter et circumspectè fiat, esse opus meritorium."—*Vespertilio Hæreticus, p. 882.*

¹ "Hoc enim requirit Mariana, ut tyrannus secundi generis à privato occidi possit; vel saltem, si talis sententia judicialis ferri nequeat, ut communis populi vox clamet, accedente eruditorum assensu et comprobatione, hanc vel illum principem esse tyrannum."—(*Ibid. p. 883, B. C. D. E.*)

that it is never lawful to attack a prince who has become a tyrant of the second kind, before a public and judicial sentence has been pronounced, by which he may be solemnly declared an enemy to the state, *and therefore before he can be deprived of the power which he possessed by those who have the right of taking it away.*¹

PAUL LAYMANN.

Theologia Moralis. Wirceburgi, 1748.

(Sion College Library, Edition 1627.)

As the body is subordinate to the soul . . . and things temporal to things eternal, so should the civil power be subordinate to the ecclesiastical power . . . Whence Boniface VIII. concludes, in *Extrav. Unam Sanctam* . . . *It is necessary that the sword should be subject to the sword, and the temporal authority to the spiritual power; since the apostle says, "There is no power but of God;" yet the things which proceed from God must be regulated with order; but they would not be regulated with order unless the sword were subject to the sword, and were reduced as an inferior to the highest power.*—(*Lib. i. Tr. 4. c. 6. de Legibus, n. 2.*)

The church does not receive, but reprove, those laws of secular princes which affect, by command or

¹ "Communionis sententia est, nunquam licitum esse manus principi in tyrannum secundi generis transformato inferre, antè publicam et judicialitèr latam sententiam, quâ hostis reipublicæ solemnitèr declararetur, adeoque potestate quâ potiebatur, ab his quibus jus est, exuatur."—(*Ibid.*)

prohibition, the possessions, and particularly the persons of ecclesiastics, although they should seem to conduce to the interest or protection of the church The reason is, that in such laws the direct jurisdiction of lay-princes overrules the ecclesiastical, (for to legislate is an act of jurisdiction): but such an usurpation of power is opposed to the ecclesiastical immunity, and therefore an injury rather than a benefit is brought upon the church (*Ibid. c. 13. n. 1.*)

The clergy do not incur the penalty awarded by the civil laws, neither can they be punished by the civil magistrate; but when the complaint is brought before their own ecclesiastical judge, the clergy who offend against the civil law should be punished by him with deserved punishment, either with the same penalty which has been awarded by the civil law to lay-men, or with another and a milder judgment, as Rodriguez, Vasquez, and Suarez have well maintained.—(*Ibid. n. 4.*)

Corollary. The civil laws which invalidate a contract or will, or which render persons incapable of making a contract or a will, in punishment of some crime committed by themselves or their ancestors, do not extend to the clergy, as Navarre and Suarez remark after the common opinion. The reason is evident. For such a law is penal, and comprises a co-active force; which cannot extend to ecclesiastical persons.—(*Ibid. n. 5.*)

After what has been said, it will be easy to answer the following question,—Whether the obligation of the clergy to observe the civil laws, which are the common laws of citizens and are not opposed to the sacred canons and to the ecclesiastical government, proceeds directly, or only indirectly, from the civil legislative

power? Victoria, Sotus, Medina, Salas, and many others, contend that the obligation is direct . . . (*Ibid.* n. 5.)

Yet the contrary opinion, which is that of Azor and Suarez, of Bellarmine in his Apology against the King of England, and of Adam Tanner, is much more easy and more probable; that the clergy are not directly and specially bound by the civil laws, either by virtue of the laws themselves, or of the civil legislative power; for they are entirely exempt from such authority by every kind of right.—(*Ibid.* n. 6.)

BUSEMBAUM & LACROIX.

Theologia Moralis, nunc pluribus partibus aucta à R. P. Claudio Lacroix, Societatis Jesu. Coloniae, 1757.

(Collated with the Edition of 1733 in the Library of the British Museum.)

To strike one of the clergy, or to bring him before a secular tribunal, is personal profanation.—(*Tom.* II. *Lib.* iii. *Pars* I. *Tr.* 1. c. 2. *Dub.* 2. n. 48. *Resol.* I.)

A man who has been banished by the Pope may be killed any where, as Filliucius, Escobar, and Diana teach: because the Pope has at least an indirect jurisdiction over the whole world, even in temporal things, as far as may be necessary for the administration of spiritual affairs, as all the Catholics maintain, and as Suarez proves against the King of England.¹

¹ “Bannitus à papâ potest occidi ubique, uti docent *Filliucius, Escobar, Diana*; quia papa habet jurisdictionem per totum mundum, saltem indirectam, etiam in temporalia, quantum necesse

The Pope has the power of forbidding Christian princes to carry on war, when the general good of the faith or of religion demands it: for in these things he is the vicar of Christ appointed with power, and princes themselves are also primarily bound to be mindful of this good.¹

est ad administrationem spiritualium, uti tenent Catholici omnes, et demonstrat Suarez contra Regem Angliæ."—*Tom. II. Lib. iii. Pars. I. Tr. 4. c. 1. Dub. 2. Quest. 178. § 4. n. 795.*

¹ "Papa habet potestatem prohibendi bella principibus Christianis, quando ita exigit bonum commune fidei vel religionis: quia in his est vicarius Christi cum potestate constitutus, tenenturque ipsi principes etiam primario, hoc bonum attendere."—*Tom. II. Lib. iii. Pars. I. Tr. 4. c. 1. Dub. 5. Quest. 190. § 7. n. 874.*

CHAPTER IV.

ILLUSTRATIONS OF ROMANISM.

THE principles of Jesuitism have been sufficiently developed in the preceding chapter. The fidelity of the extracts from the approved authors of the Society cannot be questioned. If we compare those principles with the practice of modern Romanism, we shall be enabled to trace the similarity which subsists between them. For this purpose we need only refer to the instruction which the students allege that they received, in their theological course, at the principal Roman Catholic College in Ireland. To discover the nature of that instruction, as far at least as it can be ascertained, it will be necessary to examine a portion of the evidence which was given before the Commissioners who were appointed to investigate the subject in the year 1853. They presented their Report to Parliament in 1855; and the testimony of living witnesses will therefore be of comparatively recent date.

It may possibly be objected, that the scholastic theology of an age long past is obsolete, and inapplicable to our own time; and that as the Institution

at Maynooth is endowed by the State and expressly limited to the purpose of educating Priests for the Romish Church, it cannot properly be described as a College of Jesuits. In the strictness of the letter this should indeed be correct: but virtually it is not so. A reference to the Report of the Irish Education Commission of 1827 will shew the extent to which the College, in its discipline and teaching, and from the evidence of some of its members, may be fairly deemed to bear a remarkable resemblance to a fraternity of Jesuits.

When Dr. Murray, the late titular Archbishop of Dublin, was President of Maynooth, Mr. Kenny, the Head of the Jesuits in Ireland, was appointed Vice-president. Educated in part at Stonyhurst, he afterwards proceeded to the College of Jesuits at Palermo, where he was formally admitted into the Society. On his return from Sicily he endeavoured to adapt Maynooth to the purposes of his Order by erecting a lay-college within its walls, and transforming it into an Institution similar in every respect to that which he had left. Foiled in this illegal attempt by the vigilant firmness of the late Lord Colchester, he proceeded to establish a separate Seminary for Jesuits at Clongowes, and of which he assumed the office of President. By the transfer of his disciplined students to Maynooth, the latter would become virtually, if not nominally, a College of Jesuits.

In an able pamphlet which appeared a few years ago, entitled *Maynooth, the Crown and the Country*,¹

¹ Rivingtons, 1845.

the author recapitulates the evidence which he has adduced from the Commissioners' Report of 1827, in the following words:—

“When we arrive at Dr. Murray, we learn that he congratulates himself that in his presidency he was “so happy as to have been able to procure the assistance of Mr. Kenny” as his own colleague and deputy to be left in sole charge of the College in his absence; and we find that Mr. Kenny “composed meditations for all the students of the College;” and that after he had quitted Maynooth he was invited to revisit it from time to time, to “conduct the spiritual Retreats¹ of the

¹ RETREATS.—The following note is from the *Quarterly Review*.

“It is well known to those who are acquainted with the history of Jesuitism, that, among other means of working on the mind and rousing it to the necessary pitch of fanaticism, the Jesuits lay much stress on the practice (invented by themselves) of *Retreats*. These retreats take place annually. They continue for eight or ten days, during which the devotee is placed under a system of discipline, comprising meditation, self-examination, retirement from the world, profound silence, repeated devotional exercises; and the mind is heated and excited till it becomes a plastic and willing tool in the hands of its spiritual directors. These retreats, to which the Jesuits attach ‘a value inferior only to the Gospel,’ used to be confined to monks, friars, and a few of the most enthusiastic of the laity. But within the last few years they have, we understand, been *extended to the parochial priests*, and the management of them has been especially committed by several of the Romish bishops to the Jesuits. Not two years ago, in one of the principal monasteries in Ireland, were the whole body of the priests in two dioceses received for one week, and their co-adjutors for the next—and did Dr. Kenny, the head of the Jesuits, the same who has been so often alluded to before, come down for

students there;" and when we enquire of Mr. Kenny, he answers "that the principles of faith and morals at *Maynooth* are precisely the same as those at *Palermo*;" and when we ask for information concerning the College of *Palermo*, we discover that "it is a College of Jesuits;" and that he, the Vice-president of *Maynooth*, is the Head of the Jesuits in Ireland; and we also learn that he has instituted a seminary at *Clongowes*, only *six miles from Maynooth*, from which young men are transferred to that College, and that he is the President of it, having nine other Jesuits there associated with him; and that a Sodality is there organized, of which the students are members; and we find that a similar Society, that of the Sacred Heart, connected with the Jesuits, exists at *Maynooth*, and that *half* the students of the College are incorporated in it, and that thus by means of these students, who are the

the express purpose of superintending their spiritual exercises? When it is understood that these include not only direct instruction from the superintendents, but a confession on the 5th day, extending to the whole life from the earliest infancy, and at the close a communication to the confessor of the resolutions formed during the retreat; that the books used are written by Jesuits; that the confessors are either Jesuits themselves, or persons appointed at their suggestion; and that there are reasons for supposing it possible that the confidential secrecy of the confessional is not held binding upon priests in their conferences on Church matters; it will not be thought strange that the influence exercised by the Jesuits upon the pupils at *Maynooth* should extend over them when located in parishes; and that, even with the enormous power possessed by these parish priests, they should still feel another influence above them, checking and overruling their movements."—(*Quarterly Review*, March 1841, p. 555.)

future Priests of Ireland, the power and principles of the Jesuits are extending themselves into all parts of the country; and lastly, we learn that the only Commentary on Scripture in use as a class-book at Maynooth, is from the pen of a Jesuit."¹

From the same authority the following additional evidence is derived.

"Mr. William Rogers, a late student at Clongowes, and who was transferred from that school to Maynooth, being asked how many Professors there were at Clongowes, says that they "were about ten." And in reply to another question, answers, "that the opinion among the students was, that they belonged to a particular Religious Order:" and then ensues the following series of interrogations and replies.

"All the ten?—Whatever Superiors were there, the number was about ten.

"That Order was the Society of Jesus?—We supposed them to be Jesuits.

"Was it merely Mr. Kenny who belonged to that Order, or were he and all *his assistants* Jesuits?—We understood that the Superiors who were there, were attached in one way or other to the Order of Jesuits. . . . It was an understood thing between us that they were Jesuits.

* * * *

"Was there any sodality or confraternity established among the young men at *Clongowes*?—There was.

¹ "Maynooth, the Crown and the Country," p. 67.

"Will you mention the name of it?—The *Sodality of the Blessed Virgin*.

"Did you belong to it?—I did.

"Is there any Sodality established at *Maynooth* amongst the young men?—There is.

"Will you name it?—The Sodality of the *Sacred Heart*.

"Do you belong to it?—I do."¹

And again, from the evidence of

THE REV. T. W. DIXON,

late Student of Maynooth, sworn and examined 25th October, 1826.

(Maynooth Report, 1827, p. 322.)

"Was it generally supposed at *Maynooth* that Mr. Kenny, the Vice-president, was a professed Jesuit?—Certainly, we believed him to be a Jesuit, and that he was at the head of that establishment at Clongowes, which was then in active preparation.

"Did he wear the Jesuits' dress at that time?—No.

"In point of fact, did the Jesuit Order exist at that time?—We called him a Jesuit.

"Did you like him the better or the worse for being a Jesuit?—We thought a Jesuit was a very fine thing; a most holy character; and we considered him a very talented clever man, and had much respect for him as such.

¹ "Maynooth, the Crown and the Country," pp. 64, 65.

"May not the Jesuits have had a physical existence at a time when they had not a Papal recognition?—Certainly.

"Are the Jesuits generally approved of by the Roman Catholic Bishops?—In Ireland they seem to be.

"In England are they?—I do not know much about the feelings of the English Popish Bishops.

"From what circumstance do you judge of their being favourites with the Romish Clergy in Ireland?—The circumstance of Mr. Kenny's being Vice-president of Maynooth is a proof of it.

"Is not the Commentary on the Scriptures that is selected for the College, Menochius, the production of one of the Society?—It is; and one of the premiums that were given to me was the work of a Jesuit.

"What was it?—It was the work of a Spaniard, Rodriguez, on Christian Perfection, so that I know that they are held in very great respect and veneration at Maynooth."—(*Appendix, Note U*, p. 110.)

With these acknowledged proofs of the nature and character of the Institution we may now fairly proceed to shew that its principles and morals are in accordance with those which have been produced from the works of the Jesuit writers in the preceding pages. A few extracts from the evidence contained in the Report of the recent Commission of 1855 will establish their identity, while they reveal the tendency of the instruction which the nation is taxed to provide. For this purpose it will be convenient to preserve a sectional arrangement similar to that of the last chapter.

The following are the names of some of the Jesuit Authors whose works, cited in the foregoing pages, are mentioned in the Report as held in high estimation at Maynooth and incorporated by the Professors with the substance of their lectures.

BELLARMINE—DE LUGO—SANCHEZ—SUAREZ—VASQUEZ
—GEBAT—LAYMANN—BUSEMBAUM AND LACROIX.

Let the living witnesses now speak for themselves.

SECTION I.

LECTURES AND INSTRUCTION.

THE REV. THOMAS FURLONG.

Professor of Theology.

(Report, Part I. Appendix 8. Paper B. p. 101.)

In answer to a part of Question

2. Out of what books, and on what subjects do you lecture or examine?—I follow the order, and, as far as possible, the views and opinions of the text-books, which are, in dogmatic theology, the treatises compiled for the use of the College by the late Dr. Delahogue; in moral theology, at present, the compilation of Scavini. I consult other theologians, such as St. Thomas Aquinas,

Suarez,¹ *De Lugo*,² *Bellarmino*,³ the Salmanticenses, Benedict XIV, Liguori, Collet, Tournelley, &c. I select from them what appears to me most accurate, solid and useful, which I endeavour to communicate during lecture.

THE REV. JOHN O'HANLON, D. D.

Examined 4th October, 1853.

(Report II. p. 5.)

Bailly's Moral Theology disapproved by the Pope and placed in the Index.

35. In an ecclesiastical College would it not be unbecoming to continue a book which the Pope had disapproved of?—Most undoubtedly.

36. In this case the Trustees directed the book to be withdrawn after it had been placed in the Index?—Yes; I suppose in consequence of its having been placed in the Index.

37. The book was discontinued in obedience to the order of the Trustees?—Yes.

^{1 2 3} Jesuits from whose works some of the preceding extracts have been given.

1. SUAREZ—*ante* p. 141, 186.

2. DE LUGO—*ante* p. 104, 119, 194.

3. BELLARMINO—*ante* p. 170, 179.

135. Will you have the goodness to explain what is the nature of the works of DE LUGO and ARRIAGA?—Both are what we call scholastic theologians, as contradistinguished from dogmatical or moral theologians We frequently read this class of writers, because their discussions are found to throw an immensity of light on the dogmatical questions, and tend to sharpen and strengthen the understanding. In this respect we find those writers most useful. DE LUGO¹ and ARRIAGA hold an eminent place among the scholastic theologians.

136. Of what nation are they?—They were both Spaniards. ARRIAGA was Professor of Theology and Chancellor of the University of Prague; DE LUGO published his work after having professed theology for twenty years in Rome.

137. Of what date was it?—I cannot exactly say the year;² but it was about the middle of the seventeenth century.

138. Will you point out any other of those writers who are also writers on scholastic theology?—Joannes

¹ DE LUGO is styled by Liguori, after St. Thomas, "The Prince of Theologians."—(*Report* II. p. 388.)

² There can be no difficulty in refreshing the memory of this witness. An edition of John De Lugo's *Disputationes Scholasticæ de Incarnatione Dominicæ*, was printed in 1633, and another in 1646. The latter is in the University Library at Cambridge. An edition of his *Disputationes Scholasticæ et Morales, de virtute Fidei Divinæ*, was printed in 1646, and another in 1656. The former of these is also in the Library at Cambridge. An edition of *Tractatus de Septem Ecclesiæ Sacramentis*, by Francis De Lugo, was printed at Venice in 1652. Extracts from the works of these Jesuit authors are given in the third chapter, *ante* pp. 104, 194, and 119.

a S. Thoma is exclusively a scholastic writer. Suarez, Vasquez, Sylvius and Estius may be said to be mixed writers, for they treat of dogmatical as well as of scholastic questions. Bellarmine is the only one of those referred to who can be simply considered as a dogmatical writer. It is only incidentally that a scholastic question presents itself in Bellarmine.

THE REV. HENRY NEVILLE.

Examined 6th October, 1853.

(Report II. p. 51.)

83. Is the treatise of St. Liguori¹ on moral theology, which you use, a treatise in Latin or in Italian?—In Latin.

¹ Dr. Butler in his evidence (7th January, 1854) says, "It is the received opinion, in the Roman Catholic church, that it is not the work of Liguori, that it was not written by himself, but written by a Jesuit of the name of Busembaum."—(*Report II.* 335.)

Busembaum's *Theologia Moralis, nunc pluribus partibus aucta*, à R. P. Claudio Lacroix, Societatis Jesu. 1733, is the edition in the Library of the British Museum, which has been used for collation in this work.

THE REV. DANIEL LEAHY.

Examined 3rd January, 1854.

(Report Part II., p. 299, 300.)

1. What is your present position in life?—I am clerical superintendent to a society in London, called the “English Church Missions to Roman Catholics.”

2. What had been your previous education?—I was educated at Maynooth College.

12. During that period were you instructed in your duties as a subject to the State?—No; I do not recollect any instruction at all in regard to the duties of a subject to the State. I think that was a particular point that was completely steered clear of.

13. Was the question of the allegiance which is due to the Royal Majesty treated of in the course of the instruction you received?—No; I do not recollect any instruction on that point.

14. In the class-books is there any part which particularly bears upon that point?—No; not that I am aware of at present.

(The Treatise “*De Matrimonio.*”)

67. You are aware that there is a part of the teaching which relates to the precept, called the sixth in the Roman Catholic Decalogue, and the seventh in the Protestant. Will you inform the Commissioners in what way that was introduced; at what period of the course, and in what form and manner?—I think it is in the Second Year's Theology, as well as I recollect, after Christmas, and in the second half-year of that

year's course; and the way in which it was introduced was this, each class-day there would be three or four pages of this book pointed out for the next class.

68. What was the text-book made use of for that purpose?—I do not know whether Bailly or Delahogue; I think it was Bailly.

69. Was this lecture or teaching conducted entirely in the Latin language?—Yes; all in the Latin language.

122. Are there any further observations which you wish to make in regard to the studies at Maynooth?—No; except that in this particular year of theology, with regard to the sixth precept of the Decalogue and the Matrimony Treatise, it was my opinion then, and is now, that they had a direct immoral tendency on the minds of the students.

126. Did you observe anything in their conduct or conversation indicating an injurious change of character?—Yes; that is my impression. They would say, some of them condemning it, that indelicate and disgusting matters were introduced in the Matrimony Treatise; and I am quite prepared to say, that any persons of delicate feelings would be shocked with some of the questions in that treatise.

127. Do you mean that they created repugnance in their minds?—Yes, on the feelings of some persons; and when I say that of one class, I think it had a contrary effect on others, who were not naturally so delicate in feeling, and that it made them licentious.

131. Was there ever any sign of levity shown during the lecture, when the professor touched upon these subjects and asked questions?—Yes; I recollect on one or two occasions there were signs of levity exhibited.

132. Were those signs observed by the professor?—Yes; I think he almost joined in them; he put down his head. He was not in the habit of checking any demonstration of that kind; and he was remarkable, on the contrary, for creating it, and for merriment generally.

144. Do you consider now that any considerable portion of the students at Maynooth were immoral men?—That was my impression from my experience, and that the state of celibacy that they were obliged to live in, and the teaching in theory in the College, and afterwards reducing this daily into practice, had a direct tendency to produce immorality in their lives. It was generally the case; I have no hesitation in stating that.¹

¹ Professor Crolly says:—"If a tree be known by its fruits, teaching will be known by its results. I, therefore, fearlessly appeal to the results of the teaching in Maynooth, as far as morality is concerned. Surely, if the class-books and lectures in Maynooth were immoral—if the eyes and ears of the students were familiarized with such topics, the results of this training would be manifested in their lives. Yet I venture to assert that there is not in the whole world a more moral body of young men than the students of Maynooth."—(*Report, Answers to Paper K.* p. 398.) Who shall decide?

THE REV. DENIS LEYNE BRASBIE.

Examined 4th January, 1854.

(Report II. p. 307, 311.)

1. You were educated at Maynooth, were you not?
Yes.

77. . . . You think that the moral teaching of the College is not satisfactory? . . . I think that the treatise on Matrimony should never be put into the hands of any student. I do not see what connexion the treatise on Matrimony has with the Scripture at all, so far as a young man is concerned. No man, unless he were an angel, could sit down and read those tracts, and the questions and answers inserted in them by foul-mouthed theologians, without feeling. I say it with regret, but it is a fact. Let any gentleman look at those questions and answers, and I defy him not to condemn them. Let him look at Liguori, and Dens, or Bailly (though Bailly is the class-book, yet a student is at liberty to read the other books), one is just as bad as the other. What connexion has the reading of this filthy matter with the Word of God, or with the salvation of a man's immortal soul? How will it take a man to heaven by prying into what happens between a married man and his wife? ¹

¹ Dr. Murray says :—"It is a painful necessity to have to vindicate from a charge of impurity an institution like that of confession, which we not only believe to be divine, but know to

94. Do you remember whether it was at all the custom for the students who attended this course of lectures, *De Matrimonio*, to joke or treat the subject lightly amongst themselves when they were not attending lectures—in their walks, for instance?—No more than saying it was a dirty or a dreadful matter—a horrible matter. They rather took the other view of it, and seriously thought it was filthy stuff altogether.

95. They treated it rather with repugnance than in any other way?—Yes, positively.

THE REV. WILLIAM JOHN BURKE.

Examined 4th January, 1854.

(Report II. p. 312.)

1. You were educated at Maynooth, were you not?—Yes.

10. Is there anything which you would wish to state in regard to the teaching at Maynooth, as it passed under your eye, independently of the peculiar dogmas of the Roman Catholic Church, but regarding its operation upon general morals, or upon the duties of citizens to the State?—In regard to general morals, the question has come rather suddenly upon me. On the Treatise "*De Matrimonio*," I recollect the teaching of it with

be one of the great well-springs of sanctification to the faithful."
—(*Report*, p. 377.)

But Dr. Butler says:—"There is that celebrated saying of Liguori, that more priests have been damned from hearing confessions than anything else."—(*Report*, p. 339. n. 158.)

much pain; I have known many of the young men, when studying certain parts of it, to have gone into the chapel, and to have read it on bended knees; I saw many young men that I conceived to be not of very strong passions, they thought it necessary to go in before what they believed to be the body and blood of Christ Jesus on bended knees. I would say, in a general manner, that the teaching on the matrimony treatise was to me exceedingly disgusting; and it appeared to me to have a tendency to injure the morals of the young men.

11. In what year was that part of the subject treated in your course?—In 1829.

THE REV. THOMAS BUTLER, D. D.

Examined 7th January, 1854.

(Report II. p. 333, 335.)

1. Are you a native of Ireland?—Yes, I am a native of the South of Ireland.

2. Where were you educated?—In Malta and Rome; I went out to Malta very young; I was educated in the Dominican University at Malta, in philosophy.

67. You stated that there was a material difference between the teaching of Liguori and the teaching of the books used at Maynooth in certain particulars?—Yes; as to what the Roman Catholics call the sixth commandment.

68. Do you mean to say that the teaching of Liguori goes into a greater amount of particulars than is thought

necessary in Roman Catholic Colleges?—Yes; again, it must be remembered that Liguori is not a class-book for many colleges.

69. It is a book of reference, is it not?—No; when I was a student at Rome, I was not permitted to read it: it is the received opinion in the Roman Catholic Church, that it is not the work of Liguori, that it was not written by himself, but written by a Jesuit of the name of Busembaum.

THE REV. GEORGE CROLLY

(Report II. p. 389.)

Says—Alphonsus Liguori . . . has extracted, without correction, three propositions from Busembaum, whose work he has made the text-book of his Theology.

THE REV. PROFESSOR MURRAY

(Report II. p. 368.)

Says—As the name and authority of Dens have been, for the last twenty years, so incessantly and pertinaciously obtruded upon us—as if he were a Pope addressing the whole Church *ex cathedra*, or a second Council of Trent—the Commissioners will be good enough to allow me space for a *very brief* reply to his arguments. The proposition laid down by him is, that *Heretics are justly punishable with death.*

(*Arguments refuted.*)

THE VERY REV. DAVID MORIARTY, D.D.

Examined 17th October, 1853.

(Report II. p. 126.)

98. Are the students in the course of theology prepared for the confessional?—Yes.

99. There are some chapters—as for instance the chapters *de debito conjugali*, and some others of a similar nature; at what period of the course, and under what restrictions, are those chapters taught?—When I was a student in Maynooth, those chapters formed part of the second year's study of divinity; but I recollect that we were cautioned by our professor to pass them over, and not read them until we should be immediately about to enter on the duties of the confessional.

119. Did you read Dens' Theology when a student at Maynooth?—No.

120. Nor any part of it?—I may have looked into the book in the library, though I do not precisely recollect having done so, but I never studied the work while at Maynooth. I have occasionally read portions of it since I left Maynooth, and I consider it a work of very great merit.

SECTION II.

OATH OF ALLEGIANCE AND MENTAL RESERVATION.

THE REV. DANIEL LEAHY.

Examined 3rd January, 1854.

(Report P. II. p. 301.)

28. Do you recollect a particular part in Bailly's Treatise on Moral Theology, in which the duties of subjects towards their prince are enforced?—I do recollect that there were such things treated of in the book; but afterwards, when a priest comes to perform his functions on the mission, it is more the moral and practical portion of that class-book that he attends to.

29. You do not recollect, whether in treating of these chapters, the duties of a subject, in regard to his allegiance, were fully entered upon?—I do not remember whether we went through them at all. Of course I take it for granted we did do so.

30. Your general impression is, that the duties of allegiance were not strongly enforced upon the students?—Yes, decidedly, that is my opinion.

31. That is the impression you wish to convey?—Yes; not only was it my own impression, but I take upon myself to say, that it was the general impression among the body of the students that I was acquainted with. I beg to say also, that there is an oath of allegiance put to the students, a certain time after entering the house, and I was among a number that went out

(I cannot say the precise number, one hundred or more) to take it; and when the oath was read in court, I distinctly gainsaid it; I could not, in conscience, then take that oath, inasmuch as from the prejudices I had, and at the same time, the teaching of the house, I would be doing a positive injury to the eternal welfare of the reigning monarch if I were to take that oath, he being a Protestant, and supporting the succession to the throne as such; and instead of repeating that oath, my conscience told me to gainsay it all along.

32. So that in fact you never took the oath of allegiance?—I believed that I did not at that time. Afterwards I was put under the impression that I did; because a Dunboyne student told me that the opinion of some theologians was, that by the fact of going out into the court house I was bound.

33. But you did not repeat the words of the oath?—No; we were all up in a gallery, some hundred or more of us; and there was one Testament supposed to be passed along. I could not undertake to say what were the reservations of the others.

34. Was not the oath repeated aloud to you by the clerk?—Yes, by some gentleman at the table below.

35. And a certain number took the volume into their hands, did they not?—It was passed along their hands rapidly; perhaps there might not have been more than one half of them that touched it with their hands at all; they looked upon it more as a matter of form.

36. Did they kiss the book?—I think not, except some few of them: not the larger number of them; certainly not. I do not know whether they were required to kiss the book at all even: I think not. I

know I did not touch it, and was not required. I only speak of my own individual reservation of mind. I hope I was determined to be as loyal as any person in the house: still, from my prejudices and teaching, I thought I could not conscientiously take the oath of allegiance to a Protestant king, as a heretic.

44. Were the obligations of an oath, or the duties of a subject, at all dealt with?—I think not; I am certain of it.

54. Was any doctrine taught you in regard to oaths pledged to, or contracts made with heretics, by Roman Catholics, as to their validity or otherwise?—No; I cannot call to mind any such teaching. The general impression on my mind was, with regard to oaths, that the Church or the Pope had the power of dispensing with oaths, and wherever the utility of the Church required such a stretch of power, that the Pope had the power of dispensing. I think that was taught either in Delahogue or Bailly. The text is general—they say, “whatsoever you bind,” &c. They undertake to prove from that text that the Pope has the power of dispensing with oaths and vows.

55. Of any kind, without limitation?—I think without limitation: the words are general, and they deduce the power from the generality of the words: I should think there is no limitation.

57. Did you leave Maynooth with the impression on your mind, derived from the teaching there, that an oath pledged to a heretic was equally binding upon your conscience as an oath pledged to a Roman Catholic, or otherwise?—If I was going to give the Commissioners my own individual opinion just now, I think if

I took an oath at all, it would be equally binding to all parties: but that was not, I believe, the general impression of the students in the house. The impression on my mind, derived from the teaching in Maynooth, was, that the Church could dispense with oaths whenever the utility of the Church required it.

61. Do you recollect whether it was taught at Maynooth, that where the rights of third parties are involved in an oath, there is not any power to dispense with it?—I think that must have been taught there; that is my impression.

62. That was taught, was it?—That is my present impression, that that was the doctrine inculcated there.

63. Should you be able to speak to the doctrine taught, by a reference to the doctrine contained in the class-books in every house, or did the professor quote the class-book always as conclusive authority?—No; I think that he took some latitude to himself with regard to his own private opinions, *because the Church of Rome is so divided with regard to opinions*, that every theologian, and every professor, is at liberty to give his own private opinion upon disputed questions. Generally speaking, I should think that the several professors followed the class-book. There may be some particular point upon which they held their own opinions, but they would not press them upon the students.

THE REV. WILLIAM J. BURKE.

Examined 4th January, 1854.

(Report P. II. p. 312.)

22. Do you recollect in what way the oath of allegiance was taken?—I recollect that the Senior Dean came to the freshman's house late in the evening, prior to our taking the oath of allegiance; he had announced it to the students; and I never in my life witnessed such consternation as existed among the students at the idea of swearing allegiance to a Protestant king. The Dean saw the gathering storm and endeavoured to appease it; and he brought over two or three copies of O'Leary's Treatise on the Oath by a Roman Catholic. In calling over the list the following morning, there was about one-third of the students who were reported to be on the sick list; and it was distinctly understood by us that these men feigned sickness in order to avoid taking the oath of allegiance. Then the two Deans, the senior and junior Deans, walked us to the court-house; and in going there I was certainly a good deal astonished at what I witnessed. The Dean desired us to bring all the Testaments and Bibles in our possession into the court-house; and I think, to the best of my recollection, there might have been five; I think, at most, six Testaments were all that were produced. When we were ushered into the Grand and Petty Jury boxes, there was an awful struggle, each person endeavouring to push forward his fellow to the front of the rails, thereby to avoid laying his hand on these Testaments.

ments. At the taking of the oath, the officers of the court told them to repeat the words distinctly after him ; and in giving out the words of the oath, there were two young men standing near me, and I distinctly heard them repeat the words of the oath *in a negative sense*, namely, when the officer said "I do swear,"¹ they said, "I do not swear." We were then ushered into the Grand Jury room, and signed a register. We retired then to the College ; and on going thither, *those who had feigned sickness taunted us for taking the oath of allegiance, under the pressure of expulsion* ; for the Dean deemed it necessary to tell us, that it was the feeling that the Statutes of the house required each student to take the oath under pain of expulsion ; and these men, after we returned, exulted, and taunted those who took the oath, such as did it—or winked at it—for having done it. Many of the young men boasted that they had not repeated the words of the oath, and others said that they had not laid their hands on the Testaments on which they were supposed to be sworn.

23. Were those young men, whose names appeared on the sick list, taken afterwards for the purpose of having the oath administered to them ?—I never heard that they were ; they were not in the year of my freshmanship.

24. Had you a Bible on that occasion ?—No.

25. Had you a Bible while you were in the College ?—Yes I had ; I bought a Bible in the College.

26. Did you buy it from the Bursar ?—Yes.

27. Was that the practice with every student ?—No.

¹ Compare this with the extract from Sanchez, *ante* p. 143.

39. Did you receive any instructions on the obligation of the oath of allegiance while you were in the college?—No, not directly; but I recollect—I do not know whether it was on censures—but I know that the impression on my mind was, that I was not obliged—not bound to allegiance to a Protestant King; whether it was “de Juramento,” or censures, I know not; it was not directly said, but the professor told us that in the reign of Elizabeth the realm of England was placed under interdict, and that that interdict had not been removed; and that all Protestants were under major excommunication; that the two things did not come at the same time, but at two different times; and the impression on my mind was, that I was not bound in allegiance to a heretical King, and to one under major excommunication.

THE REV. WILLIAM J. BURKE.

Examined 6th January, 1854.

(Report P. II. p. 322.)

10. How do you establish that all which is said there in regard to vows is equally applied by the author (Bailly) to oaths?—Namely, that the Church has the power of dispensing in oaths and vows.

11. The question is, how do you establish that that enumeration which is there given in reply to the question with regard to the power of dispensing from vows, is applied by the author equally to the power of dispensing with oaths?—I will give the authority of a Professor of Maynooth on the subject. Dr. Mc Hale,

a Professor of Theology in Maynooth, and now the Romish Archbishop of Tuam, swears, on his examination before the Commissioners of Education, in 1826, that the Church has the power of dispensing in oaths when the good of the Church requires it. According to his sworn evidence, if the good of the Romish Church requires the Roman Catholics of this realm to renounce their allegiance to Queen Victoria, that Church teaches and claims the power of absolving them from their allegiance; and she alone can judge what is the good of the Church.

17. The question is, not whether the Church has the power of dispensing with oaths as well as vows, but whether the Church has the power, according to Bailly, of dispensing with oaths, under the seven circumstances specified in the passage which you have read?—I have taken it in that sense, that she could dispense where the utility of the Church required it, and I am not singular in that opinion.

SECTION III.

DISAFFECTION.

It would seem that the students at Maynooth are in the habit of singing their national anthem with variations. By a graceful slur upon a single syllable, the commencing words, "Domine, saluum fac Regem," are rendered in the performance, "Domine, saluum *whack*

Regem."—This when the Ruler is a King. But now that our Sovereign Lady occupies the throne, it would sound discordantly to loyal ears if the variation were intoned, "Domine, salvam whack Reginam nostram," to say nothing of its questionable taste, or of its devout aspiration in behalf of our gracious Queen. But let the witnesses give evidence in their own words.

THE REV. PROFESSOR NEVILLE.

Examined 10th January, 1854.

(Report II. p. 349.)

115. Do you think it possible that some of the students should manifest their disloyalty when singing the antiphon for the Queen, by substituting the word "whack" for "fac"?—The students do not sing that part of the antiphon at all; it is sung solo by the master of the choir, hence the substitution is impossible.¹

Now this is plainly contradicted, in the case of a king at least, by the evidence of

THE REV. WILLIAM J. BURKE.

Examined 4th January, 1854.

(Report II. p. 315.)

In answer to Question 69, he says—In giving out the royal anthem it was intoned "Domine salvum fac

¹ But is it not possible that the choir-master himself might introduce the variation?

Regem." In my first year of entrance, and sitting in the next seat but one to the authorities of the house, some of the senior students came into the portion of the chapel assigned to the junior students, and I heard those senior students sing the royal anthem thus, "Domine salvum whack Regem;" and it is my opinion that the authorities of the house must have heard it also.

74. Are you not able to state any proposition which was taught from the chair of the professor, from which you drew the inference that the oath of allegiance was not to be kept to a heretical monarch?—I state this proposition (I cannot lay my hand on it, I will to-morrow) that all Protestants are under major excommunication—that this country was placed under interdict in the reign of Queen Elizabeth; that that interdict had not been removed up to 1830; and *hearing the royal anthem sung*, "Domine salvum *whack* Regem," having heard from the students that the priest could not pray for a heretic king with the maniple on, I came to the conclusion that I was not bound in allegiance to him. I was in Maynooth at a very excited period—I was there in 1825, 1826, 1827, 1828, and 1829. I was there at the time that Emancipation was granted and celebrated; the college authorities supplied wine on the occasion; and I was much shocked at what I witnessed that night. The students invited the authorities to join them on the occasion of the celebration, and they did so; it was celebrated with music and singing. The best singers were selected to sing on this occasion, and among the songs sung that night was one said to be composed by Dr. England, who was educated in Maynooth—he was bishop of Charleston in America—and this

song, as far as I can recollect, was the only one encored on the occasion. Part of the song runs thus—

Columbia's banner floats on high,
Her eagle seizes on its prey,
Then Erin wipe thy tearful eye,
And cheer thy hopes on Patrick's day.

The next stanza says—

The toast we'll give is, Albion's fall,
And Erin's pride, on Patrick's day.

At this latter sentiment being uttered the authorities and students were instantly on their legs and cheered the sentiment: they encored the song over and over again; and, as well as I recollect, it was the only one that was encored that night. This occurred in the presence of all and every one of the authorities of Maynooth, and not one man stood up to express his disapprobation of such disloyal expressions; I thought it most extraordinary in a college supported by Government; with men who are supposed to take the oath of allegiance, and to be loyal men; professors, &c., receiving large and well-paid salaries, students supported and educated by the State; and on such an occasion when political privileges were conferred on Romanists, that such disloyalty and ingratitude should have been expressed and so openly approved of and encouraged. Every one of the students committed this song to memory, and it was the constant song for months and months, sung in and out of the hearing of all and every one of the authorities, and I never knew, or heard, that any of them expressed his disapprobation of it.

THE REV. DENIS LEYNE BRASBIE.

Examined 4th January, 1854.

(Report P. II. p. 307.)

1. You were educated at Maynooth, were you not?
—Yes.

11. What was the nature of the teaching which you received, in regard to the duty you owed to the Sovereign?—We did not think of the reigning monarch one way or the other; there was nothing directly taught on the subject, that I can remember; the only circumstance that came under my notice, was with regard to the oath of allegiance, which every student is supposed to take, though I believe some evaded taking it, because they did not wish to take it; the feeling with regard to that oath, at that time, was that they would as soon swear allegiance to Mehemet Ali, the then Pasha of Egypt, as they would to George the Fourth who sat on the throne of England; that was the general feeling; going out to the town of Maynooth to take the oath of allegiance, they were all laughing, and the oath was not taken properly and formally, as it is in a court of justice; there were a few Bibles or Testaments, and five or six students laid their hands on them at a time, while some kept their hands off; and from what I could perceive, I believe there was what is generally and commonly called mental reservation in the whole transaction.

12. What do you mean when you say, from what you could perceive?—I could not actually perceive

what passed in the mind, but I could form an idea from the circumstances which took place.

13. Had you any mental reservation?—I did not think one way or the other at the time; I was rather a young man; I went out laughing, and I did not think one way or the other about it.

14. You were not laughing when you took the oath, I presume?—I do not remember at this moment having taken it at all; I went there to take it, at least that was the object of sending us.

15. Were you sent to a court of justice?—I believe it was a court; there was some person appointed annually to administer this oath to the students.

16. It was the Assistant-Barrister, was it not?—I cannot say; it was some official person, of course, appointed by the Crown, I suppose.

17. What instruction did you receive upon the subject of allegiance, from the Professors of Dogmatic Theology?—I do not remember at this moment to have received any instruction one way or the other; it appears to me now that it was a neutral subject altogether, and not noticed; if it was noticed, I at this moment quite forget it; it may have been taught, but I do not now recollect; it is not likely that non-allegiance would be taught in a College supported by the Government of the country; that is not probable or likely.

37. Was any impression left upon your mind that allegiance was not due to the Sovereign, by reason of his being a heretic?—I think there was an impression on my mind to that effect.

38. How came that impression to be made?—Because the reigning Monarch was a heretic.

39. In what way was that impression made upon your mind?—On one occasion the Rev. Mr. Kenny preached in the house. The Dublin priests go down to Maynooth every year—they did so at that time—to what is called the Retreat, and Dr. Murray with them, who was then commonly called the Roman Catholic Archbishop of Dublin; one-half of the Dublin priests went down to the retreat during the summer, and the other half supplied their places in the diocese of Dublin, that is, they remained at home to do the duty. Mr. Kenny, on this occasion, who was a very powerful man, was asked to preach for the priests. *He was General of the Jesuits.* I was anxious to hear him in consequence of what I heard of his oratorical powers, and I got into the hall where the priests were assembled, to whom the Rev. Dr. Kenny was then preaching. At that period it was very generally reported through the country that the Roman Catholic chapels would be licensed; this was, I believe, somewhere between the years 1831 and 1833, so far as I can recollect; and he, after addressing the priests for a considerable time, parenthetically alluded to this report of having the Roman Catholic chapels licensed, and he spoke very strongly indeed upon that particular part of the subject, and made an impression on my mind which I shall not soon forget. He said, ‘It is reported that the Government of England intend to license our chapels. ‘Now,’ said he, ‘every priest in this country should stand at the threshold of his chapel, and allow the soldiers to walk into their chapels over their dead bodies, before they would allow the heretical Government of England to convert them into public-houses.’ I thought,

at the time, that was not allegiance, because those priests had, as I knew, a powerful influence over their people, many of whom are ignorant, and consequently superstitious; and I knew that when this doctrine was so firmly impressed upon the minds of those priests, when they returned again to their people, they would make the same impression on the minds of their people.

40. That is the only occasion which you can call to mind when it appeared to be the doctrine at Maynooth that allegiance was not due to the Sovereign, by reason of his being a heretic?—That is the only occasion that I heard it so expressly and strongly mentioned. I know that not only on the minds of the students at that time, but on the minds of the priests with whom I afterwards associated, *there was, and has been, a strong antipathy to the House of Hanover on the throne of England.*

41. Was Dr. Murray present at that sermon of which you speak?—Most decidedly.

46. Were you at Maynooth at the time Emancipation was granted?—Yes.

47. Do you remember whether any celebration of Emancipation took place?—Yes; the college was illuminated, and we were allowed, I think, three or four bottles of wine to every eight students.

48. What happened on that occasion in the hall?—On that occasion I perceived nothing, except as on ordinary occasions. St. Patrick's day and Christmas day were always celebrated in much the same way.

49. Were the students alone on that occasion?—No, there was generally one of the deans present, always walking up and down the refectory.

50. Was he the only officer of the College who was present on that occasion?—I cannot remember; I think there was a sort of mingling, a sort of *saturnalia* between the professors and students on that occasion. They were all naturally elated; and there was singing and amusement, as we had on St. Patrick's day and Christmas day.

52. Do you recollect the time of Lord Mulgrave's visit?—I should think I was not in the College then; I left the College in 1834.

53. Do you remember any song that was sung on that occasion, that is, on the granting of Emancipation?—There were a great many songs sung; I do not recollect any particular song. I would attach no great importance to any song sung on that occasion, whether it was one way or the other; it was a night of glee.

54. You do not recollect any song, on the occasion of the Emancipation, that made any particular impression on the students?—No, I do not.

55. Do you remember any of the College authorities singing on that occasion?—No; I recollect one of the College authorities singing a song when he was consecrated bishop—Dr. Crotty, of Cloyne.

56. Do you remember a song that was composed by Dr. England?—I have heard it sung.

57. Was it sung on that occasion?—It may have been; I do not remember.

58. Have you heard it sung at Maynooth?—As well as I remember, I think that I have heard it sung, but I would not positively swear to that; not on that particular night, more than any other time.

59. Do you remember its causing any particular

impression on the students?—I cannot say; but I know they appeared to like it, perhaps from being composed by one of their own order.

60. Are the commissioners to understand you to say, that either there was, or there was not, anything in the teaching of Maynooth which tended to loosen the allegiance of the subject to the Sovereign?—There was no express proposition such as this: ‘You shall not pay allegiance to the reigning Sovereign;’ nothing so directly as that stated.

61. Or anything to the effect that allegiance was not due to a person who was a heretic?—No; I do not remember that it was distinctly taught in that way. It would be very bad policy in the College of Maynooth, receiving £8,000 a-year, to teach that doctrine. There was nothing taught having connexion with allegiance immediately; but there was a circumstance which may have been indirectly connected with it, and it was this: the priest, celebrating high mass, wears a certain part of his vestments, called the maniple, on the left arm. This maniple is, I believe, of Jewish origin, and it was worn by the Jewish high priests. It was my duty to sing high mass in the College. At the conclusion of mass the prayer is sung, “*Domine, saluum fac regem, or reginam,*” and before the priest sings that, he removes the maniple from his left arm. I asked one of the Superiors what was the cause of removing this maniple from my arm, and the reply was, that I could not pray for the King or Queen of England in my official or sacerdotal capacity, and then I removed this characteristic of the priesthood; and this has been always removed, I presume, to the present day; and the

priest, as a layman, prayed for the Majesty of England, because he was a heretic.

62. Do you mean that the maniple is the only thing in his dress that distinguishes a priest from a layman?—That was the reason assigned to me; the other vestments are of Pagan origin, with the badge of Christianity inscribed on them.

72. Do you recollect whether in that Latin prayer that preceded mass at Maynooth the King was prayed for?—No, I should think not; so far as I remember, neither the King nor Queen was prayed for. I could almost say, positively not; yet I will not say that.

THE REV. JOHN O'CALLAGHAN.

Examined 18th October, 1853.

(Report II. p. 183, 184.)

1. You were educated at Maynooth, were you not?—Yes, I was there for some time.

16. As far as your experience went, was a spirit of loyalty infused into the students?—No; I should say not.

17. Have you anything to state upon that point?—I can state a fact which came under my own notice, which, I think, plainly shows that a spirit of loyalty was not inculcated there. I remember, when I was a student, that the then Lord-Lieutenant, the Earl of Mulgrave, the present Marquis of Normanby, visited the College, when we were all drawn up to receive him, and presented an address to him. He then ordered

that our examinations (it was just at the approach of the winter examinations) should be dispensed with, and at the same time ordered us some wine. Three bottles were accordingly served to every mess. The students at meals are divided into messes—every mess consists of eight persons. We clubbed, and made up some money to send to Dublin for confectionary and other things; the College supplied us with hot water, and we had a feast. There was a great deal of jovialty on the occasion. In the course of the evening some of the professors paid us a visit; when they came in, there was a rush of the students towards them, and they soon formed a circle round them. O'Connell's health was proposed, and the Professor of Logic, Mr. Whitehead, spoke to the toast.

18. In what year was that?—In the November of 1836, as well as I remember. I remember distinctly that Mr. Whitehead on that occasion observed,—‘That, as we were bound by every principle to support and defend those who would fight our battle, and seek liberty and entire emancipation for us; so, on the other hand, there was no law, human or divine, natural or revealed, that prevented us from seeking, by all legitimate means, to humble a nation that would grind us, trample upon us, enact penal laws against us, and set the same value upon the head of a priest that it had set upon the head of a wolf.’ I remember those words, and as well as I recollect, these are his *ipsissima verba*—certainly I give the substance of what he said. The sentiment was applauded for four or five minutes. The then Professor of Logic is now, I believe, the Vice-President of the College of Maynooth.

19. Was that a period of great political excitement in Ireland?—It was, I think, after the great anti-tithe meetings in Ireland.

20. Do you remember any other instance at all of a similar kind in which the students made any political demonstration?—No; I do not recollect any other instance of any political demonstration having been made by the students.

21. Who was at the head of the College at that time?—Dr. Montague.

22. Did the authorities of the College take any notice of the occurrence by reprimanding any party?—Not to my knowledge.

23. Was any other person present besides Mr. Whitehead?—Yes, the then Vice-President; his name was Renehan; I think he is the present President; I remember he sang.

24. Was he present during the delivery of the speech?—Yes, for he sang before or after that speech.

25. Was anybody else present that you recollect?—As well as I remember, Dr. Montague was present.

26. During the speech?—I am not quite certain, but as well as I remember he was. I remember those two in particular, because one sang, and the other made a speech.

27. Do you happen to remember any other individual, student or professor, who was present?—The entire of the senior house were present. I do not know who the present deans or professors of the College are. Dr. Crolly was present, I think; I only think three or four superiors were there.

28. Was the whole body of the students present

upon that occasion?—The whole body of the senior house.

29. Including the Dunboyne students?—Yes, I should say that the Dunboyne students were present.

47. Did you hear afterwards that any fault had been found with that speech of Dr. Whitehead?—No; but I know very well that we often repeated it when walking together; as we thought the sentence sounded so well. I recollect that we got the words of the sentence by heart, and it was one with which we all sympathized; we thought, as some said, it would be of use to us afterwards.

60. Was it within your knowledge as having happened while you were at Maynooth, or did you ever hear it spoken of amongst the students, that on the occasion of Mr. O'Connell going down from Dublin westward, a portion of the students at Maynooth had collected upon the top of a haystack and cheered him?—I do not recollect having heard that.

61. Did Dr. Montague on that occasion send for them and publicly reprimand them?—I do not recollect having heard of the occurrence at all.

62. Have you any other circumstance to mention illustrative of the same feeling?—I know that a hatred of England and of Protestantism was the strongest and most predominant feeling among the students at Maynooth.

THE REV. ROBERT FRENCH WHITEHEAD, D.D.,
VICE-PRESIDENT.

Examined 19th October, 1853.

(Report II. p. 212.)

150. It has been stated to the Commissioners, that a gentleman made a very strong speech at a feast that was given when Lord Mulgrave was Lord-Lieutenant, and paid a visit to the College, in which the words used were nearly these, "That as we were bound by every principle to support and defend those who would fight our battle, and seek liberty and entire emancipation for us; on the other hand, so there was no law, human or divine, natural or revealed, that prevented us from seeking by all legitimate means to humble a nation that would grind us, trample upon us, enact penal laws against us, and set the same value upon the head of a priest that it would set upon a wolf." Do you remember any words equivalent to those, or like those, being used by any person making a speech on that occasion?—No; I never heard words similar to those, and I believe such words were never uttered.

151. It has been stated that those words were used by you. Did you make a speech on that occasion, when Mr. O'Connell's health was proposed?—I did.

152. Your speech was not what some people, perhaps, would call a moderate one, was it?—I would designate it so. I am under the impression that there was nothing immoderate in it.

153. Do you think that the same speech might be made at the present day, with the feelings which exist at Maynooth, as you made then?—That is my impression. I cannot answer for the precise words that were used—it is seventeen years ago; and I did a thing which I would not do now, that is, I spoke in the presence of the students without any previous preparation. I was then only twenty-eight years of age, and had rather too great confidence in my own powers of extemporaneous expression; and therefore I cannot refer to any record, nor have I any means of bringing forward the precise words I uttered; but I am confident I uttered no words either in tendency or in any way similar to those that have been attributed to me.

154. Briefly, you would say that the words read would not in any respect give a fair representation of what you said on that occasion?—That is my belief. I firmly believe that they are not a fair representation either of the language or the spirit of what I said on that occasion.

156. Was Dr. Renehan present on that occasion?—I cannot, at this distance of time, say whether he was or not—it is my impression that he was not.

157. You do not remember whether he sung a song?—I do not.

174. There would have been nothing so totally contrary to the order of the College, as to have rendered it impossible for a professor to have sung a song on that occasion?—I think it was not so contrary but that it might have happened. I recollect, many years ago, when a student, that on certain occasions the professors used to come down and sit with the students and sing.

THE VERY REV. L. F. RENEHAN, D.D.,

PRESIDENT.

Examined 20th October, 1853.

(Report II. p. 241, 242.)

214. Do you recollect the circumstance of an entertainment or feast being given in the year 1836, on the occasion of Lord Mulgrave, the then Lord-Lieutenant, paying a visit to Maynooth?—I recollect there was an entertainment on that occasion.

215. Were you then Vice-President?—I was.

217. Do you remember toasts being proposed on the occasion?—I remember to have been told that the healths of the President, and of as many of the superiors and professors as were present, were successively proposed as toasts. I do not recollect to have heard whether any other toasts were proposed after they had retired; but I do not, and could not, remember having myself heard or witnessed anything that occurred in the hall that night, for I was not there. . . . Several of those who were that night in the refectory adverted to my absence, and still remember that I was not there. The night scene which so large a hall would present on such an occasion, at seven o'clock on a December evening, is so strikingly peculiar, and it was so unusual in Maynooth, for several years before, for me or the other College officers to witness it, that had I witnessed it with its circumstances, the lapse of seventeen years could not, I think, efface its recollection from my

memory. At all events, I do not recollect having witnessed a particle of what occurred in the refectory that night.

218. Perhaps an incident may awaken your memory upon the subject. Have you any recollection of having sung a song upon that occasion?—No; but if I had sung on so public an occasion, I could not forget it. When formerly the Professors visited the refectory on such festivities, they were wont to gratify the students by joining in their amusement, so far as, when invited, either to sing a song, or to compensate for not singing by some short address. I remember very well having been myself pressed to sing at a somewhat similar entertainment in the College, though the scene was less public, exciting and impressive, on the occasion of Dr. Montague's appointment as President, and my appointment as Vice-President. It was by day-light in July, when most of the students had left College on vacation. Dr. Montague wished to compliment the few that still remained by some little entertainment; and to enhance the favour, wished to visit them during their enjoyment. He asked me, and I know not whether any body else, to accompany him. We went to the refectory for a few minutes. He briefly addressed the students, in acknowledgment of their congratulations and cheers. I was pressed, as the saying is, either to make a speech or sing a song; I would have sung if I were able; I attempted, however, a song; but being embarrassed, and not well, I was not able to proceed beyond the middle of the first verse on the key on which I happened to begin, and I there relinquished the attempt.

219. You recollect that song?—Yes.

SECTION IV.

SEDITION AND REVOLT.

THE REV. JOHN O'CALLAGHAN.

Examined 18th October, 1853.

(Report II. p. 186.)

63. On what occasion had the students at Maynooth an opportunity of exhibiting to one another, or in the presence of one another, that sort of feeling?—On the occasions on which the walk-days were wet; for instance, every Wednesday was an idle day, and when it happened to be wet, the students assembled together, as they had nothing to do after a certain time of the day; I recollect one student, who I was informed and believe (for I was not in the College at the time) was arrested in the College for seditious language made use of at meetings which took place in some part of Ireland. He was (as I was told) bailed before the Duke of Leinster; and I heard this person myself frequently give specimens of the orations that he had delivered; and I could swear solemnly that if he had made use of half the same abusive language against any Roman Catholic saint that he did against the Queen and her Government, he would have been expelled immediately. I never heard that he received the slightest reprimand; on the contrary, I know that he was a great favourite with the professors and students in general.

64. Was this language within the knowledge of any of the authorities of the College?—It was within the knowledge of the monitors.

65. They ought, therefore, to have reported it to the deans?—Yes; had they deemed it reprehensible.

66. Do you recollect in what class the student was to whom you have referred?—In one of the theological classes.

67. He was not a Dunboyne student?—No.

68. What was his name?—Hawkes.

71. Do you know whether he was ultimately ordained or not?—I have not heard; I know that we frequently called on him, as an amusement, to make speeches, which he was very fond of doing; and he would get on anything that presented itself, and would deliver those speeches for half an hour, and they cheered him, just as if he had been making a speech at a public meeting.

72. Was that in the play-ground?—Yes; or in the corridors and halls.

73. What opinion did the students hold respecting such speeches in connexion with their oath of allegiance?—They very much approved them.

74. Did the oath of allegiance ever occur, do you think, to the mind of a student at Maynooth?—I do not know that it did; but I think even if it had, it would not be any impediment to their entertaining those feelings.

75. You took the oath of allegiance, did you not?—Yes.

76. In what form was that oath administered?—The practice was, to go before the Assistant Barrister in

the open court to take the oath, and we went supplied with a few Testaments. The gallery was cleared for us, and the oath was administered by a person reading from a parchment below. He would read two or three words to the students, who, in one voice, repeated the same. Then he repeated one or two more words, and those the students again repeated, all speaking at the same time, so that nothing could be heard but a confused hum of voices.

77. Was not it the Clerk of the Peace who administered the oath?—I think so.

78. Before the Assistant Barrister of the County?—Yes.

79. The oath is not administered to each individual separately?—No.

80. The usual way of administering the oath is what you have described, is it not, when there is a number of people present?—I believe it is.

81. Had they a copy of the oath before them at the time?—No. I heard one student, who had his hand on the same book, swear the very opposite of the oath of allegiance.

82. With respect to Mr. Hawkes, can you give any specimen of the treason that he spoke?—I cannot. I only recollect that his speeches were very violent. I must say that they were not any source of gratification to me; he was a very rude person, and I, for one, was not very fond of attending to what he said. I know that he was frequently speaking so, but I cannot furnish any specimens.

83. Were they treason, or were they sedition?—If

I said treason, perhaps I did not attend properly to the distinction between it and sedition.

84. Then you retract the charge of treason?—I do, certainly, if I advanced it.

85. It was not a threatening of the life of the Sovereign?—No.

86. Was it inciting to make war against the Sovereign, or to insurrection?—No, not with force and arms; but it was speaking with disrespect of the Protestant Church, of the Queen, and of the way in which England had wrenched power and property from Ireland, and the manner in which the Irish people had been crushed, and the way in which the priests had been treated, and the cruel laws which had been enacted against them.

87. You mean in former times?—Yes.

88. Were the students in general acquainted with the Statutes that were drawn up by the Trustees for the government of Maynooth; were they read to you, for instance?—I have no recollection of being made acquainted with the Statutes of the College.

90. Are you aware, that by the practice of the College the laws or statutes are required to be read over by the President, in the chapel, at the commencement of the academic year?—I do not remember to have ever heard them read.

94. Was the student of whom you speak as having been arrested and bailed before the Duke of Leinster ever tried?—I think not, as well as I remember; indeed, I do recollect having heard that there was some interest made in some way with the prosecutor, and that the charge had not been carried out.

95. When it was brought under the cognizance of the Duke of Leinster, he must have been privy to that compromise of the offence, must he not?—I cannot say.

THE REV. WILLIAM J. BURKE.

Examined 4th January, 1854.

(Report P. II. p. 316.)

He says in answer to Question 76 :—

.... From the open and undisguised disloyalty practised at Maynooth, from what I have witnessed in it, the scenes that took place in 1829, at the time of taking the oath of allegiance, *I say I left it a rebel of the first water*, thirsting, desiring and praying for the destruction of the British Empire, and solely because it was Protestant. Those, I say, were my own feelings and sentiments.

77. The question proposed to you is this: What proposition was taught to you from which you drew the inference, that where there was major excommunication and interdict upon a kingdom, there Roman Catholics were absolved from allegiance to a heretical monarch. Do you recollect any teaching to that effect at Maynooth?—I cannot at the present moment, but upon to-morrow I will be prepared to answer the question.

78. You do not now remember any instruction to that effect that was conveyed at Maynooth?—I do not at present, but will on to-morrow point it out.

79. It is your strong impression that that instruc-

tion was conveyed?—Certainly, when there was such a change in my mind, principles, and loyalty. I entered Maynooth a loyal subject, *and I left it the vilest rebel*. I look upon Maynooth as the hot-bed of sedition.

THE VERY REV. L. F. RENEHAN, D.D.,

PRESIDENT.

Examined 20th October, 1853.

(Report II. p. 242.)

232. Did you hear at the time whether Mr. O'Connell's health was proposed or not?—I do not remember; but I have since heard some say that Mr. O'Connell's health was proposed, and others say, that the health of Mr. O'Connell, or any other person but the President and the professors who accompanied him to the hall, was not proposed, at least while they were present; and that it was only in reply to the toast of his own health that any of them spoke. After their departure, however, a young man who did not intend to continue in Maynooth, took upon himself to address his fellow-students, at very great length, on topics connected with the College; *but whether or not he introduced any others, I could not, at this distance of time, undertake to say*. He was a young man who was not considered a desirable subject for the sacred ministry, and who retired from the College shortly after this transaction.

233. Did he make a violent speech upon that occasion?—I did not hear him, and I cannot speak of what

he said from personal recollection; but I am under the impression that it was rather desultory and wild than violent.

234. Was the young man, to whom you allude, named Hawkes?—His name was O'Sullivan.

235. Do you recollect a student of the name of Hawkes being in the College?—I do.

236. Was he, at any time *while in the College*, arrested for sedition?—I am confident that he was not, since I first knew him or took any special care of his concerns. But I remember to have heard, while I was Professor of Scriptures, that a junior student, named Hawkes, had been some weeks or months before made amenable for having been present, *before* he entered Maynooth, at a meeting held near Cork to petition Parliament for relief from tithes, such meetings having been then recently prohibited by the Lord-Lieutenant. But I do not recollect to have then heard whether or not he was formally arrested, nor can I say whether such an offence, the only one laid to his charge, would or would not be, even technically, denominated sedition.

THE REV. PATRICK MURRAY, D. D.,

Professor of the First Class of Theology,

(Report II. p. 373.)

In Answer to Paper K, says,

V. As to the lawfulness or duty of revolting in this or that *particular* case, *e. g.*, suppose in the case of a total repeal of the Act of Catholic Emancipation. If, in

such a case, the Pope issued a brief or bull declaring the right of the Irish Catholics to revolt against the English Government, or imposing on them the obligation of doing so, would it be lawful or a duty for us to revolt in that case?—I answer, in the first place, that if it be the doctrine of the Holy See (as some might infer from the preceding documents,) that revolt is in no case lawful, of course the Pope could not declare it as a right, still less impose it as a duty. I answer, in the second place, that supposing the doctrine of the Holy See to be, that revolt is lawful in some extreme case, I am absolutely certain that, in the present or any possible future state of things, no Pope would issue an edict so frantic and so ruinous.

VI. But, as Protestants might not admit the consistency of principle, and would not admit the ruling providence, which I look up to, in the Holy See, let me *suppose* that the Pope actually issued such an edict. This is, I think, narrowing the question to a point as definite and tangible as it could be put in. I answer, then, in the third place, that I would not conceive myself bound to obey any such edict. I would consider myself perfectly free in conscience to continue as before in my allegiance to the Sovereign whom he declared it lawful or obligatory for me to revolt against. Nay more, if the case were one (*as the case given above most certainly would be one,*) in which any of the conditions necessary to justify revolt (supposing it to be ever justifiable) were wanting, I should consider it not only lawful, but my *clear duty* to disregard the supposed declaration or command of the Pope.

Conditions of lawful revolt, p. 374.

IX. Revolt against the sovereign authority is a remedy, in itself and in its immediate—perhaps remote—consequences, so terrible—it is so sure to be the cause or occasion of countless, long-continued evils, both moral and physical, that, if it be at all lawful, it is so according to the very theologians who admit its possible lawfulness, only in the extreme case where the following conditions are found united:—1° The tyranny must be excessive. 2° It must be manifest. 3° The evils inflicted by the tyrant must be greater than those that will ensue from resisting and deposing him. 4° There must be no other available way of getting rid of the tyranny, except by revolt. 5° There must be a high moral certainty of success. 6° The revolution must be conducted or sanctioned by the community at large. I have commented, though very briefly, on the nature and necessity of these conditions, in the essay above alluded to.

To decide that revolt is lawful in any particular case, the judge must have clear evidence that *every one* of these conditions exists; for, if any one of them be wanting, the revolt is unlawful. He must, therefore, be thoroughly and accurately informed as to the whole facts of the case. Imperfect or doubtful information, universal reports, newspaper statements, these and the like are not enough. They may generate opinion, strong impression, grave suspicion; but the consequences of a wrong decision are too appalling for one to pronounce on any other basis than that of clear moral certainty.

* * * *

X. (p. 375.) If the act enjoined be clearly sinful, then, I not only may disobey, but am *bound to disobey* the superior whether Pope or Prince. Thus, suppose the imaginary and absurd hypothesis of the Pope sending a stringent command over to me to organize a little band for the assassination of Mr. Spooner, or for spreading false reports against him, such as ascribing to him immoral or pernicious doctrine, which I know he does not hold, or which I have not sufficient reason for believing him to hold, I would be bound to disobey such a command, and to suffer interdict, suspension, excommunication, hanging, combustion, all spiritual and all temporal punishments sooner than obey such a command or any one iota of it. So if I suppose an equally imaginary and absurd hypothesis of the British Parliament passing a law that all priests who did not marry within a certain period should be burned alive, I should suffer death sooner than obey such a law.

CHAPTER V.

PROGRESS OF JESUITISM.

It may seem superfluous that the preceding extracts should have been multiplied to the extent to which they have reached. It may be thought that a more limited citation of them, upon each of the various subjects, would have prevented much needless repetition. Yet they are few indeed when compared with the redundant accumulation contained in the volumes from which they have been selected. They have been chosen from many authors, with the design of shewing that they are not the peculiar opinions of a few individual writers only, but that they fairly represent the doctrines and uniform scholastic teaching of their Order. Indeed, there is not a point on which the Jesuits themselves more strenuously insist than the unanimity which pervades their system. Their members are not permitted to introduce any new opinions, that "all may hold the same doctrine and the same language."¹ We therefore accept it upon their own testimony, that the tenets of the whole body of the Society are in accordance with the principles

¹ Chapter III. *ante*, p. 61, '63.

which have been here produced, and are therefore of the same revolting character.

As the attempt to convert Maynooth into a Seminary for Jesuits dates from the revival of the Order by Pius VII., it will be expedient to give a brief review of the progress of Jesuitism from that time to the present day. This service has already been rendered in a form¹ which is too concise to admit of abbreviation. It will therefore simply be necessary to give the condensed summary *in extenso*, as a faithful description of the rapid growth of the resuscitated Order within the last half century.

“About the year 1795, a small fraternity of Jesuits, described in the Laity’s Directory for that year as ‘*the gentlemen of the English Academy at Liege*,’ were driven by the fury of the French Revolution to seek an asylum in this country. They established themselves at Stonyhurst, near Clithero, in Lancashire; of which house and estate a long and advantageous lease was granted to them by the owner, Mr. Weld, a gentleman of an ancient and wealthy Roman Catholic family. They consisted at this time, according to the description given by their apologist, Mr. Dallas, of ‘*a few ancient men*,’ whose settlement in the country excited no suspicion or alarm; but was rather greeted with a share of that public sympathy which was so honourably and charitably displayed towards all the victims of revolutionary violence. The professed design of these fugitives went at first no further than to undertake, as a means of providing for their own subsistence, the education

¹ Appendix to a Sermon by Dr. Broughton, late Bishop of Australia, preached in Canterbury Cathedral, 17th Sept., 1835.

of youth. The title assumed in the prospectus of the infant establishment, is that of 'The College of Stonyhurst;' which was described as conveniently prepared for the accommodation of 150 scholars. In addition to the pupils whose circumstances enabled them to pay the regulated charges for boarding and tuition, it was generally understood that a certain number of the children of poorer parents were received, for gratuitous education, upon the foundation of the College; who might be afterwards adopted into the Society and employed in forwarding its designs, as they should be found to unite a suitable inclination for the service, with promising talents and the requisite degree of flexibility. Thus without one dissenting voice was a foundation laid for the re-establishment of an Order which had been finally expelled from England, A. D. 1604. An instance was now to be given of the pertinacity with which it adheres to the design of its institution; and of the expansive vigour with which its growth advances wherever any germe is suffered to make a lodgment. The design proceeded prosperously. The proposed number of pupils was speedily obtained; and with the funds thus placed at their disposal, the directors proceeded to prepare for far more extended operations. Continued improvements of the estate were accomplished. The mansion, which when first occupied by the Society, had become much dilapidated by time and neglect, was gradually put into a state of complete repair: and, at a very great expense, a large building was added to the original fabric. Means were thus obtained for a great extension of the original scheme; insomuch that the number of students for several years past may not have

been short of 300. As their resources thus increased, more extended plans occupied the thoughts of the fathers; and while, by means of the influence which their large expenditure secured to them, the work of proselytism continued to extend in the neighbourhood of Stonyhurst, and to make some progress in other parts of the kingdom, through the exertions of those judiciously planted agents who were issuing yearly from the College, the immediate successors of that feeble band which had professed to seek no more than a refuge from overwhelming misfortune, found themselves in a situation to extend their exertions beyond the limits of England.

“The Parliamentary foundation of the College of Maynooth had given in Ireland the first promise of a revival of Roman Catholic influence. Yet there were still some circumstances which diminished the satisfaction with which the institution was regarded by such of the titular hierarchy as held what are termed Ultramontane sentiments. The heads of the Roman Catholic Church in Ireland had generally sided with the Jesuits. They are believed to have unanimously accepted the Bull *Unigenitus*; and to have acquiesced in other edicts which had a like tendency to exalt the Papal power. They appear, therefore, to have viewed with displeasure and alarm the disposition towards Jansenism manifested at Maynooth, and even threatening to obtain there a positive ascendancy. As an instance of its prevalence may be mentioned that Dr. Ferris, one of the Professors, a man of learning, and highly esteemed among the pupils, had in lecturing his class ventured so near the borders of heresy as to affirm that ‘the merits of the

saints, compared with the merits of Christ, were no more than a drop of water compared with the ocean.' It was thence obvious that measures could not be too speedily taken to meet this pressing danger, and to restore the tenets of Jesuitism to their proper ascendancy. For the accomplishment of this object recourse was had to the establishment of Stonyhurst; on the perfect orthodoxy of which not a shade of suspicion had ever been cast, and which was now in circumstances to afford very important aid. The Rev. Peter Kenny, who had been educated partly at Stonyhurst, and afterwards in the College of Palermo, was translated from the former residence to Maynooth, where he filled the office of Vice-President; that of President being at the same time held by Dr. Murray, the titular Archbishop of Dublin. In addition to the proper duties of his collegiate office, Mr. Kenny was also entrusted with the occasional charge of conducting the 'Retreats,' or those seasons at which the students are accustomed to retire for the sake of meditation and discussion. The subjects for consideration at such times are fixed by the conductor, who also delivers every day one or more hortatory discourses; and may, at the conclusion of the Retreat, hear the confessions of such students as apply to him. Mr. Kenny thus enjoyed most ample and favourable opportunities of inculcating the principles of his Order, and of eradicating any opinions of an opposite complexion which, through his intimate acquaintance with the most secret sentiments of the students, he might discover the slightest tendency in any of them to adopt. The testimonies which he had given of the most devoted and resolute attachment to the cause of

the Society, were so many proofs of the wisdom of those who selected him to fill these situations, where his zeal and his talents might be directed to the best account. He had, it appears from his own evidence, taken the simple vows of the Order during his residence in England; but doubts having arisen whether he could be lawfully aggregated in a country where a restoration of the Society by the Pope had not taken place, he was compelled to seek elsewhere an opportunity of being unquestionably incorporated. The Order, most seasonably for his purpose, had been re-established in Sicily by a special brief of the Pope in 1804: and Mr. Kenny, therefore, proceeded to Palermo, where in 1808 he became formally and certainly aggregated as a member of the Society of Jesuits. This display of resolution, and of indefatigable perseverance in the cause, clearly pointed out this individual as one whose services might be relied on whenever a suitable opportunity should present itself for employing them in the great and growing design of which the Jesuits were at the head. And such an occasion was not long wanting. The College of Maynooth it should be observed, being expressly limited to the education of ecclesiastics, did not completely fulfil the wishes of the leaders of the Society; whose object was then, as it ever has been, by means of their peculiar system of education to obtain influence not over the clergy alone, but over the minds of men of all ranks and professions; especially of those who might probably rise to eminence and influence in political and secular pursuits. An attempt had, therefore, been made to erect a lay-college within the walls of Maynooth; but the design was defeated, after having

made some progress, by the firmness of the late Mr. Abbott, afterwards Lord Colchester, who justly thought that such a proceeding was a plain infraction of the condition upon which the College was endowed. The design, however, was too advantageous to be altogether abandoned. Negotiations were set on foot for the purchase of a suitable property in a convenient situation, and towards the close of 1813 an agreement was made with the proprietor of Clongowes Wood, in the county of Kildare, and six miles from Maynooth, for the surrender of that estate as the site of the proposed lay-seminary or College. It was opened in July 1814 for the reception of scholars; Mr. Kenny having been appointed to the office of President. All circumstances, indeed, seemed to concur most favourably for the advancement of the design; for at the same precise period of time, (*viz.* in August 1814), the Pope, with a memorable coincidence, issued his Bull for the restoration of the Order of Jesuits; and, so far as the validity of the vows is concerned, they were from that moment re-established throughout the world. There was now, therefore, no longer any question as to the regularity and sufficiency of a profession made in this country; and great facility was thus afforded for the aggregation of members. Mr. Kenny was joined at Clongowes by others of his Order, who undertook with him the task of education; and the affiliation of the younger establishment, with the parent institution of Stonyhurst, was thus rendered complete. The two societies have since maintained constant intercourse and mutual good understanding; and with force more effective because united, have proceeded in the design to catholicize the British

Empire. A striking circumstance in illustration of the rapid revival of the influence of Romanism may be mentioned upon the authority of Mr. Kenny, who states upon oath, that there were but two members of the Jesuit Order besides himself in the whole of Ireland, when he was appointed Vice-President of Maynooth. When he, after a short interval removed to Clongowes, the number of priests, and of those who might become priests, had increased to nearly twenty. And from a return ordered by the House of Commons to be printed, 15th June, 1830, the number of persons in Ireland bound by the Jesuit vows appears to have been 58; in England at the same time, 117. All these, with any augmentation which may have taken place during the ensuing five years, have grown up as suckers from that, in appearance exanimate, root which was planted at Stonyhurst not forty years before.

“This design for reviving the Roman Catholic Faith in England has been thought deserving of more than domestic encouragement. It has attracted the attention of foreign states, and has its branches extended especially to Rome. ‘The English Catholic Library,’ is established with the avowed purpose of obtaining proselytes, by lending gratuitously books treating of religious controversy and piety ‘especially to their Protestant countrymen’ when under the influence of admiration of the ceremonies of the Church in ‘that seat of Catholicity.’ ‘Many proofs,’ it is boasted, have lately been given of ‘*the happy effect*’ of those books of instruction;’ and certainly when it is considered what crowds are attracted to Rome of Protestants ill-grounded in the principles of their own faith, and most favourably

situated for receiving the desired impression, as well as how extended may be their influence in multiplying the same impression on their return home, this source of conversions is not to be thought lightly of. An Institution of more direct influence is 'the English College' at Rome, which is carefully cherished and mainly relied on, as an effective instrument for advancing the cause of the Romish Church in this country. A very remarkable proof of the deep policy by which it has recently been thought worth while to attach the students of this institution by redoubled ties to the service for which they are destined, was afforded in October 1827; when, for the first time during several centuries, the Pope himself visited their summer retreat about fourteen miles from Rome. A very striking account is extant, written by a former student of Stonyhurst, but then a member of the English College, who was present on the occasion. A most animated picture is drawn of the extreme affability and condescension of His Holiness, allowing them to kiss his foot and his hand, blessing their beads, dining at their table, conferring upon them as they knelt before him the very significant appellation of '*the hope of the Church*,' and after his departure sending them as a present a beautiful young calf, ornamented with flowers, and moreover issuing directions to his masters of ceremonies, that in the procession of Corpus Christi the students of the English College should carry the Baldacchino, or hangings, which are borne over the Pope as he carries the Holy Sacrament. Such attentions are not lavished without an object; and when the period chosen for this manifestation is considered in connexion with other well-known circum-

stances, but slender doubts can remain as to what is 'the *hope* of the Church,' or how it is expected to be realized.

"These, among many other indications furnish the ground upon which it is assumed that a design is now in progress of execution, for re-establishing in England the Roman Catholic Religion. The chief agency is evidently entrusted to the Jesuits;¹ upon which part of the subject an observation must be offered, which highly concerns all who, even without any particular regard for religion, are anxious for the general welfare of the community. The restoration of that Order by Pius VII. has given compactness and momentum to elements which before that were scattered and comparatively inert. Under what circumstances was this effected, and how is it likely to involve us? The Jesuits within little more than two centuries (1555 to 1773,) had suffered thirty-seven expulsions from various States. Such of these as took place during the 18th century had occurred in those States of Europe which are most devoted to the Romish faith: viz.: Savoy, 1729; Portugal, 1759; Spain and the Two Sicilies, 1767; Parma,

¹ By the 29th and 34th clauses of the "Act for the Relief of His Majesty's Roman Catholic Subjects" (10 Geo. IV. cap. 7), generally known as the Emancipation Act, it is provided,

That if any *Jesuit* shall, after the commencement of this Act, come into this Realm, or be admitted or become a *Jesuit*, "such person shall be deemed and taken to be guilty of a Misdemeanor, "and being thereof lawfully convicted, shall be sentenced and "ordered to be *banished* from the United Kingdom for the Term "of his natural Life."

1768 ; Malta, 1768. Lastly, as if to crown the whole by a most signal and exemplary instance, they were in 1773 suppressed at Rome and in all Christendom by a Bull of Pope Clement XIV. This prelate was cautious and temperate in disposition, not unaware of the importance to the Church of the services of this Order, nor of the scandal which must arise from his suppression of it. He had within his reach the archives of the Propaganda, sources of information to which the rest of the world had not access. He deliberated upon these and upon the pleadings of the Society in its own justification during four years, and at the conclusion of that interval, deliberately set his hand to the instrument of suppression. Thus *ex Cathedra* he pronounced the Society to be inherently wicked and mischievous, dangerous to the peace of the world, and unworthy of any longer toleration. Severe as this censure may appear, the Abbé de Bernis, at that time Ambassador from France to Rome, declares from his own acquaintance with the facts, that the Sovereign Pontiff 'would have been more than sufficiently justified, if the love of peace had not closed his mouth.' Forty years after this the world beheld with astonishment the issue of a Bull by the reigning Pope, reversing the decree of his predecessor, legalizing the vows of that so often prohibited Society, and placing it in a condition to exercise, in all the countries of the world, that discipline which all had united in pronouncing injurious to their welfare. The Bull of Pope Clement amounted to a verdict against the Jesuits, who had been accused of insatiable avidity for temporal possessions, dangerous seditions, massacres, hatreds, enmities, prevarications, which must destroy

all social confidence, and treasonable practices such as endangered the safety of all governments. Yet Pope Pius, unaccountably forgetting or purposely omitting to notice this condemnation, restored the Society in a most unqualified manner. He without any reserve recalled to existence an Order against which the most papistical states, and the Papacy itself, had united in pronouncing sentence; and their unanimous conclusion was, that the Jesuits did not compensate, even by their exertions on behalf of the Church, for the horrible mischiefs of which they were in other respects the authors. Yet the head of the Church of Rome restored this Society in all its plenitude; neither accompanying his rescript with any refutation or denial of the odious doctrines and practices which had been imputed to it, nor expressing his own disapprobation of them, nor so much as giving a public caution against their re-introduction. The only reason dwelt upon in justification of his proceeding is the security of the Church. Placed as he is in the bark of St. Peter, and tossed with continual storms, he should deem himself on his Pontifical responsibility guilty of a great crime towards God, if he should neglect to employ 'THE VIGOROUS AND EXPERIENCED ROWERS' who volunteer their services. Verily it must be assumed that the end sanctifies the means, or how could the Church have lent its sanction to the restoration of a fraternity which the Church itself had condemned and suppressed as the sources of ineffable enormities?

"But whether the Church of Rome is prepared to justify this proceeding, or whether, having resorted to it in a moment of desperation, yet now, finding how well

it has answered, she will set all censure at defiance, the consequence to ourselves is precisely the same. The Society being restored and once again planted in England, has directed all its energies to recover for the Roman Catholic faith, its lost dominion over the people."

What then are our own prospects in these times of universal anxiety? Is there any ground for apprehension? Is there any reason to fear that the Church of Rome, in the multitude of her aggressions, will finally prevail against us, destroy our Church and nation, and enslave our land? If it were likely to be of much longer duration, some such vain attempt might possibly be expected. But it seems to be a "probable opinion" which may safely be adopted, that Romanism is now making a last struggle preparatory to its final extinction. The times of the Papacy are well nigh fulfilled, and its impending doom is unalterably fixed. Its days and months are numbered. In a few, a very few years we may reasonably expect that it will cease to trouble the nations any more at all. Precursive of its downfall we may look for the destruction of the *City* of Rome. Her works of art, her palaces, and all her pleasant pictures will be consumed as in a moment and be lost to the world for ever. In one hour will her desolation be complete. A ruin like that of the first Sodom will be

her fate, and her place shall know her no more. Still, the lingering *Church* of Rome will survive for a very short season the destruction of the so-called "*Eternal City*." Seeking refuge in the glorious holy land, she will make her final, desperate and fruitless struggle; for there her confederate hosts seem destined to meet their predicted overthrow. Then will the true and Bridal Church prevail triumphantly against her; the lands will have rest for a thousand years, and the effect of that peace will be "quietness and assurance for ever."

THE END.

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